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AB-1520 Public resources: conservation. (2025-2026)

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Assembly Bill No. 1520

CHAPTER 401

An act to amend Sections 1501.5, 1505, 1798.5, and 3704.5 of the Fish and Game Code, to amend Section 57001 of the Health and Safety Code, to amend Sections 5080.07, 5080.18, 5080.26, 5093.52, 5093.542, 5093.545, and 10005 of the Public Resources Code, and to amend Sections 1112, 1228.5, 1535, 1536, 1537, 1551, 5205, 10004, 13160.1, 13385, and 75507 of, to amend and renumber Section 1701 of, to repeal Sections 12949.6 and 13418 of, and to repeal Part 8 (commencing with Section 5975) of Division 2 of, the Water Code, relating to public resources.

[Approved by Governor October 06, 2025. Filed with Secretary of State October 06, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1520, Committee on Water, Parks, and Wildlife. Public resources: conservation.

(1) Existing law prohibits a conservation bank, mitigation bank, or conservation and mitigation bank from being operative, vested, or final unless the Department of Fish and Wildlife has approved the bank in writing and, if applicable, a conservation easement has been recorded on the site. Existing law requires a person interested in establishing any bank with the department to submit a bank prospectus to the department, as specified, and if the department determines the bank prospectus is acceptable, allows the person to submit a bank agreement package that, among other things, is required to contain estimates of financial assurances and proposed forms of security, as specified.

This bill would authorize surety bonds to be proposed forms of security for the above purposes.

(2) Existing law requires all funds derived from the sale of state duck hunting validations and state duck stamps, and related items, to be deposited into the State Duck Stamp Account in the Fish and Game Preservation Fund, as provided. Existing law requires the funds in the account to be used for projects or endowments approved by the Fish and Game Commission for the purpose of protecting, preserving, restoring, enhancing, and developing migratory waterfowl breeding and wintering habitat, evaluating habitat projects, and conducting waterfowl resource assessments and other waterfowl-related research. Existing law authorizes the Department of Fish and Wildlife to enter into contracts or grant funds for fish and wildlife habitat preservation, restoration, and enhancement with public and private entities whenever the department finds that the contract will assist in meeting the department's duty to preserve, protect, and restore fish and wildlife.

This bill would require that the department be subject to the above-described provisions in making grants or entering into agreements pursuant to the State Duck Stamp Account, as provided.

(3) Existing law, the Water Conservation District Law of 1931, authorizes a water conservation district to be organized and established by a county board of supervisors, with specified powers and purposes. The law permits a water conservation district to levy groundwater charges and requires a district to annually make an engineering investigation and report on groundwater conditions of the district that includes, among other things, an estimate of the annual overdraft for the current water year and for

the ensuing water year. Existing law defines “water year” for purposes of these provisions to mean July 1 of one calendar year to June 30 of the following calendar year.

This bill would redefine “water year” to mean the period beginning October 1 of one calendar year and ending September 30 of the following calendar year for purposes of the above-described provisions.

(4) Existing law authorizes the Department of Parks and Recreation to enter into contracts with natural persons, corporations, partnerships, and associations for the construction, maintenance, and operation of concessions within units of the state park system. Existing law requires all contracts authorizing occupancy of any portion of the state park system for a period of more than 3 years to be awarded to the best responsible bidder. Existing law requires public notice to be given to bidders of all proposed contracts authorizing the occupancy of property in the state park system for a period of more than 2 years, as specified, including requiring the department to publish an advertisement for bid at least once per week for 2 consecutive weeks in a newspaper of general circulation in the county in which the concession is to operate and in a major daily newspaper in the closest metropolitan area.

This bill would instead require public notice to bidders to be given of all proposed contracts authorizing the occupancy of property in the state park system for a period of more than 3 years, as specified. The bill would delete the requirement that the department publish an advertisement in a newspaper, as described above.

Existing law requires a concession contract to contain certain provisions, including the provision that every concessionaire submit to the department all sales and use tax returns and, at the request of the department, provide an annual financial statement prepared or audited by a certified public accountant.

This bill would instead require every concessionaire to submit to the department an annual financial statement prepared or audited by a certified public accountant.

(5) This bill would make corresponding changes and changes to update obsolete place names and would make other nonsubstantive changes, including by repealing obsolete laws.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1501.5 of the Fish and Game Code is amended to read:

1501.5. (a) The department may enter into contracts for fish and wildlife habitat preservation, restoration, and enhancement with public and private entities whenever the department finds that the contracts will assist in meeting the department’s duty to preserve, protect, and restore fish and wildlife.

(b) The department may grant funds for fish and wildlife habitat preservation, restoration, and enhancement to public agencies, Indian tribes, and nonprofit entities whenever the department finds that the grants will assist it in meeting its duty to preserve, protect, and restore fish and wildlife.

(c) (1) Contracts authorized under this section are contracts for services and are governed by Article 4 (commencing with Section 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract Code.

(2) No work under this section is public work or a public improvement, and is not subject to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

(d) This section does not apply to contracts for any of the following:

(1) Construction of office, storage, garage, or maintenance buildings.

(2) Drilling wells and installation of pumping equipment.

(3) Construction of permanent hatchery facilities, including raceways, water systems, and bird enclosures.

(4) Construction of permanent surfaced roadways and bridges.

(5) Any project requiring engineered design or certification by a registered engineer.

(6) Any contract, except contracts with public agencies, nonprofit organizations, or Indian tribes that exceed fifty thousand dollars (\$50,000) in cost, excluding the cost for gravel, for fish and wildlife habitat preservation, restoration, and enhancement for any one of the following:

(A) Fish screens, weirs, and ladders.

(B) Drainage or other watershed improvements.

(C) Gravel and rock removal or placement.

(D) Irrigation and water distribution systems.

(E) Earthwork and grading.

(F) Fencing.

(G) Planting trees or other habitat vegetation.

(H) Construction of temporary storage buildings.

SEC. 2. Section 1505 of the Fish and Game Code is amended to read:

1505. (a) The department may manage, control, and protect the portions of the following spawning areas that occupy state-owned lands, to the extent necessary to protect fishlife in these areas:

(1) The Sacramento River between Keswick and Loybas Hill Bridge, near Vina.

(2) The Feather River between Oroville and the mouth of Honcut Creek.

(3) The Yuba River between Englebright Dam and a point approximately four miles east of Marysville.

(4) The American River between Nimbus Dam and a point one mile downstream from Arden Way.

(5) The Mokelumne River between Pardee Dam and Lockeford.

(6) The Stanislaus River between Goodwin Dam and Riverbank.

(7) The Tuolumne River between La Grange Dam and the Geer Road (J14) Bridge.

(8) The Merced River between Crocker Huffman Dam and Cressey.

(9) The Trinity River between Lewiston Dam and the confluence of the North Fork Trinity, near Helena.

(10) The Eel River, from Fort Seward to Lake Pillsbury.

(11) The South Fork Eel River.

(12) The Middle Fork Smith River, from its mouth to Knopti Creek.

(13) The South Fork Smith River, from its mouth to Harrington Creek.

(14) The Salmon River, from its mouth to Rush Creek on the South Fork Salmon River, to Carter Meadow on the east fork of the South Fork Salmon River, and to Finley Camp on the North Fork Salmon River.

(15) Battle Creek, from its mouth to Coleman Powerhouse.

(16) The Cosumnes River, from Meiss Road Bridge to Latrobe Road Bridge.

(17) The Van Duzen River, from Yager Creek to the falls 1¹/₂ miles above Bloody Run Creek.

(18) The Mad River, from Blue Lake Bridge to Bug Creek.

(19) The Middle Fork Eel River.

(20) The Mattole River.

(21) The Noyo River.

(22) The Big River, Mendocino County.

(23) The Gualala River.

(24) The Garcia River, Mendocino County.

(b) In the event of a conflict between an action of the department pursuant to this section and the action of another department or agency of the state or another public agency, the action of the Department of Fish and Wildlife taken pursuant to this section shall

prevail, except in the event of conflict with the following actions:

(1) An action of the state or regional water quality control boards in establishing waste discharge requirements.

(2) An action required for commerce and navigation.

(3) An action by a public agency that is reasonably necessary for bridge crossings, water conservation or utilization, or flood protection projects, including the construction, maintenance, and operation thereof. This paragraph shall not apply to the depositing of materials, other than necessary structural materials, in, or the removing of materials from the streambeds in the areas designated in this section, other than as necessary for the installation of structures.

(c) The director shall disapprove a stream alteration of a prime salmon or steelhead spawning area on land of which ownership has not been legally determined, when in the director's opinion the alteration would prove deleterious to fishlife.

SEC. 3. Section 1798.5 of the Fish and Game Code is amended to read:

1798.5. (a) (1) If the department determines that a bank prospectus is acceptable pursuant to Section 1798, the person seeking to establish the bank may submit a bank agreement package to the department. Pursuant to subdivision (c) of Section 1799.1, the department may adopt and amend guidelines and criteria for the bank agreement package, including, but not limited to, recommended standard forms for bank enabling instruments or long-term management plan and conservation easements.

(2) The bank agreement package shall be consistent with the prospectus and contain at least all of the following information:

(A) The draft bank enabling instrument and all exhibits.

(B) Drafts of the interim management plan, long-term management plan, bank closure plan, and, if applicable, a development or construction plan for the bank.

(C) A draft conservation easement, or, if potential state ownership is contemplated by the department, a draft grant deed.

(D) A map and written description of the proposed bank service area.

(E) A proposed credit ledger and credit release schedule for the bank.

(F) A property analysis record or other comparable economic analysis of the funding necessary to support bank maintenance activities, such as monitoring and reporting, in perpetuity.

(G) Estimates of financial assurances and proposed forms of security. Proposed forms of security may be cash, a letter of credit, or a surety bond.

(H) A phase I environmental site assessment of the site of the proposed bank dated not more than six months prior to the date the bank agreement package is submitted to the department. This assessment shall be performed in accordance with the American Society of Testing and Materials Standard E1527-05 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" or any successive ASTM standard active at the time of the assessment.

(b) The department shall collect a fee of twenty-five thousand dollars (\$25,000) per bank agreement package to fund the cost of the department's review services. The fee shall be collected at the time the bank agreement package is submitted to the department.

(c) Within 30 calendar days following the department's receipt of a bank agreement package and fee pursuant to subdivision (a), the department shall determine whether or not the package is complete and give written notice of the determination to the person who submitted the package.

(1) If the department determines that the bank agreement package is not complete, it may be made complete and resubmitted.

(2) If the department determines that the bank agreement package is complete, within 90 calendar days of that determination, the department shall determine whether or not it is acceptable and notify the person who submitted the package of the determination. If the department determines that the bank agreement package is not acceptable, the department shall state the reasons.

(d) The department may request clarifying information during the bank agreement review process.

(e) If the department needs supplemental information during its review of the bank agreement package in order to fully evaluate the proposed bank, the regional manager or departmental equivalent, or a higher level department employee, shall provide the person seeking to establish the bank a written request for the needed information. Upon the department's receipt of the requested information, a new 90-day period shall begin during which the department shall determine acceptability pursuant to paragraph (2)

of subdivision (c). If the department does not receive the requested information within 60 calendar days of the department's request, the bank agreement package will be deemed unacceptable.

(f) If the person seeking to establish the bank proposes changes to the bank agreement package that have not been solicited by the department during its 90-day review period, including, but not limited to, parties, number or type of credits, bank size, number or type of species, credit release schedule, service area, design change, or other changes as identified by the department as necessitating additional review time, the department, acting through the regional manager or department equivalent, or a higher level department employee, shall assess a one-time fee of ten thousand dollars (\$10,000) to cover the reasonable cost of the department's services in reviewing the changes. A new 90-day review period shall begin upon the department's receipt of the proposed changes and the associated review fee, during which it will determine acceptability pursuant to paragraph (2) of subdivision (c).

(g) If the department determines that 90 days is insufficient time to complete its review of the bank agreement package for reasons including, but not limited to, the size, location, or complexity of the bank, that the package includes a development or construction plan, complexity of the bank agreement package, or substantial variations from recommended standard forms, the department may extend the 90-day period for reviewing the bank agreement package by an additional 60 calendar days.

(h) If the department determines that a bank agreement package is not acceptable, the package may be resubmitted in accordance with subdivision (a) if further consideration is desired. Any resubmittal shall be accompanied by payment of a new bank agreement package review fee.

SEC. 4. Section 3704.5 of the Fish and Game Code is amended to read:

3704.5. Waterfowl projects authorized pursuant to Sections 3460 and 3702 shall be governed by Section 1501.5 but, notwithstanding paragraph (1) of subdivision (c) of Section 1501.5, are not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code. With the approval of the entity in control of property affected by a project, the department may make grants to, or enter into contracts with, nonprofit organizations for the accomplishment of those projects, or the department may reimburse the controlling entity for its costs of accomplishing the project.

SEC. 5. Section 57001 of the Health and Safety Code is amended to read:

57001. (a) Each office, board, and department within the agency shall, on or before December 31, 1995, implement a fee accountability program for the fees specified in subdivision (c). That fee accountability program shall be designed to encourage more efficient and cost-effective operation of the programs for which the fees are assessed, and shall be designed to ensure that the amount of each fee is not more than is reasonably necessary to fund the efficient operation of the activities or programs for which the fee is assessed.

(b) Before implementing the fee accountability program required by this section, each board, department, and office within the agency shall conduct a review of the fees identified in subdivision (c) that it assesses. The purpose of this review shall be to determine what changes, if any, should be made to all of the following, in order to implement a fee system that accomplishes the purposes set forth in subdivision (a):

- (1) The amount of the fee.
- (2) The manner in which the fee is assessed.
- (3) The management and workload standards of the program or activity for which the fee is assessed.

(c) This section applies to the following fees:

- (1) The fee assessed pursuant to subdivision (d) of Section 13146 of the Food and Agricultural Code to develop data concerning the environmental fate of a pesticide when the registrant fails to provide the required information.
- (2) The surface impoundment fees assessed pursuant to Section 25208.3.
- (3) The fee assessed pursuant to Section 43203 to recover the costs of the State Air Resources Board in verifying manufacturer compliance on emissions from new vehicles prior to retail sale.
- (4) The fee assessed pursuant to Section 44380 to recover the costs of the State Air Resources Board and the Office of Environmental Health Hazard Assessment in implementing and administering the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Part 6 (commencing with Section 44300) of Division 26).

(5) The fee assessed pursuant to Section 43212 of the Public Resources Code to recover the costs of the Department of Resources Recycling and Recovery when it assumes the responsibilities of the local enforcement agency.

(6) The fee assessed pursuant to Section 43508 of the Public Resources Code to recover the costs of the Department of Resources Recycling and Recovery in reviewing closure plans.

(7) The water right fees assessed pursuant to Chapter 8 (commencing with Section 1525) of Part 2 of Division 2 of the Water Code.

(8) The fees assessed pursuant to Sections 13260 and 13269 of the Water Code for waste discharges.

(9) The costs assessed pursuant to Section 13304 of the Water Code to recover the costs of the State Water Resources Control Board or the California regional water quality control boards in implementing and enforcing cleanup and abatement orders.

(d) If a board, department, or office within the agency determines that the amount of a fee that is fixed in statute should be increased in order to implement a fee accountability system that accomplishes the purposes of subdivision (a), it shall notify the Legislature, and make recommendations concerning appropriate increases in the statutorily fixed fee amount. For fees whose amount is not fixed in statute, the board, department, or office may increase the fee only if it makes written findings in the record that it has implemented a fee accountability program that complies with this section.

SEC. 6. Section 5080.07 of the Public Resources Code is amended to read:

5080.07. (a) Notwithstanding the provisions of Sections 11080 and 11081 of the Government Code, public notice to bidders shall be given of all proposed contracts authorizing the occupancy of property in the state park system for a period of more than three years, as follows:

(1) The department shall advertise the notice through appropriate public media to the extent that the department determines is sufficient to provide adequate coverage.

(2) If the director determines that, in view of the type of concession involved, the public interest would be best served by the solicitation of bids from out-of-state bidders, the director shall give additional notice as the director finds is best suited to attract bids from out-of-state bidders.

(b) The published notice shall state where bid forms may be obtained, the time and place for the receiving and opening of sealed bids, and shall describe, in general terms, the concession to be operated.

SEC. 7. Section 5080.18 of the Public Resources Code is amended to read:

5080.18. A concession contract entered into pursuant to this article shall contain, but is not limited to, all of the following provisions:

(a) (1) The maximum term shall be 10 years, except that a term of more than 10 years may be provided if the director determines that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire, to facilitate the full use of a structure that is scheduled by the department for replacement or redevelopment, or to serve the best interests of the state. The term shall not exceed 20 years without specific authorization by statute. Except as provided in Section 5080.16, all renewals of concession contracts pursuant to this paragraph shall be subject to competitive bidding requirements.

(2) The maximum term shall be 50 years if the concession contract is for the construction, development, and operation of multiple-unit lodging facilities equipped with full amenities, including plumbing and electrical, that is anticipated to exceed an initial cost of one million five hundred thousand dollars (\$1,500,000) in capital improvements in order to begin operation. The term for a concession contract described in this paragraph shall not exceed 50 years without specific authorization by statute. Except as provided in Section 5080.16, all renewals of concession contracts pursuant to this paragraph shall be subject to competitive bidding requirements.

(3) (A) Notwithstanding paragraph (1), a concession agreement at Will Rogers State Beach may be awarded for up to 50 years in length without specific authorization by statute, upon approval by the director and pursuant to a determination by the director that the longer term is necessary to allow the concessionaire to amortize improvements made by the concessionaire that are anticipated to exceed one million five hundred thousand dollars (\$1,500,000) in capital improvements.

(B) Notwithstanding any other law or any other agreement, in furtherance of a concession agreement, pending concession agreement, or amendment to a concession agreement between the County of Los Angeles and a private entity at the state-owned Will Rogers State Beach, development or renovation of capital improvements, whether public or private, and related public access and recreation improvements shall be exempt from any municipal demolition, grading, building, or

discretionary permits required by state law or municipal building and zoning codes or from approvals by municipal agencies and shall be subject only to the approval by the County of Los Angeles and a coastal development permit or amendment to a coastal development permit from the California Coastal Commission.

(4) Notwithstanding paragraph (2), the department may negotiate the term of the existing concession contract with the Crystal Cove Management Company to extend the term of that contract up to an additional 20 years, if the director determines that this term extension is necessary to allow Crystal Cove Management Company to qualify and complete requirements for rehabilitation tax credits pursuant to Section 47 of Title 26 of the United States Code for the rehabilitation of historic structures to facilitate and support the Phase III restoration of the 17 historic cottages at Crystal Cove State Park. This rehabilitation shall include the construction, development, and operation of multiple-unit lodging facilities equipped with full amenities, including plumbing and electrical. Negotiated terms pursuant to this subdivision shall be based on the value of the term's extension, and may include, but are not limited to, an increased rental rate as consideration for the extended term. All moneys invested by third parties in connection with receipt of these rehabilitation tax credits shall be used for the construction, development, and operation of the Phase III restoration of the 17 historic cottages at Crystal Cove State Park.

(5) (A) Notwithstanding paragraph (2), the department may negotiate a concession contract, for a term of not more than 30 years, or an extension of an existing concession contract, for a term of up to an additional 30 years, and may negotiate other terms, including, but not limited to, rent, based on the value of the term or the term's extension as consideration for the Mexican Commercial Corner, El Opal Restaurant, and Casa de Bandini and The Cosmopolitan Hotel and Restaurant at Old Town San Diego State Historic Park.

(B) The property known as El Fandango and other adjacent properties may be added to the concession premises to enable increased pedestrian access.

(C) The terms of the concession contract or the extension of an existing concession contract shall require the concessionaire to provide for capital improvements of substantial and additional concession facilities, and improvements of existing concession facilities, to be constructed at the sole expense of the concessionaire, that are consistent with the general plan for Old Town San Diego State Historic Park and are needed to accommodate existing or projected increased public usage. The minimum amount of the capital improvements shall be negotiated between the department and the concessionaire and shall be no less than three million dollars (\$3,000,000). The capital improvements shall be the sole property of the state. The capital improvements may include, but are not limited to, both of the following:

(i) The demolition and reconstruction of the property known as El Fandango. This space may include both indoor and outdoor concession and interpretive opportunities.

(ii) The construction of pedestrian access between the properties known as the Land of the First People exhibit area and the historic core of Old Town San Diego State Historic Park.

(D) Upon the termination of the concession contract or upon the termination of an existing concession contract that was extended, the concession shall be put out to bid in accordance with the bidding requirements of this article.

(b) Every concessionaire shall submit to the department an annual financial statement prepared or audited by a certified public accountant.

(c) Every concession shall be subject to audit by the department.

(d) A performance bond shall be obtained and maintained by the concessionaire. In lieu of a bond, the concessionaire may substitute a deposit of funds acceptable to the department. Interest on the deposit shall accrue to the concessionaire.

(e) The concessionaire shall obtain and maintain in force at all times a policy of liability insurance in an amount adequate for the nature and extent of public usage of the concession and naming the state as an additional insured.

(f) Any discrimination by the concessionaire or the concessionaire's agents or employees against any person because of the marital status or ancestry of that person or any characteristic listed or defined in Section 11135 of the Government Code is prohibited.

(g) To be effective, any modification of the concession contract shall be evidenced in writing.

(h) Whenever a concession contract is terminated for substantial breach, there shall be no obligation on the part of the state to purchase any improvements made by the concessionaire.

(i) If a concessionaire makes a legal claim or assertion to have a trademark or service mark interest in violation of subdivision (a) of Section 5080.22, the concessionaire shall forfeit the right to bid on future state park concession contracts to the extent authorized by federal law.

(j) If a current or former concessionaire in bad faith files a federal or state trademark or service mark application for a trademark or service mark that incorporates or implies an association with a state park venue, or its historical, cultural, or recreational resources, and the state files a successful opposition or cancellation with respect to that trademark or service mark application, the concessionaire shall be responsible for the state's attorney's fees, costs, and expenses associated with that opposition or cancellation.

SEC. 8. Section 5080.26 of the Public Resources Code is amended to read:

5080.26. (a) Notwithstanding Sections 11080 and 11081 of the Government Code, public notice of a request for proposal shall be given to persons or entities for the purpose of soliciting proposals for any concession contract authorizing the occupancy of property in the state park system for a period of more than three years that is entered into pursuant to Section 5080.23, as follows:

(1) The department shall advertise the notice through appropriate public media to the extent that the department determines is sufficient to provide adequate coverage.

(2) If the director determines that, in view of the type of concession involved, the public interest would be best served by the solicitation of proposals from out-of-state persons or entities, the director shall give additional notice as the director finds is best suited to attract proposals from out-of-state persons or entities.

(b) The published notice shall state where forms for proposals may be obtained, the time and place for the receipt and review of proposals, and shall describe, in general terms, the concession to be operated.

SEC. 9. Section 5093.52 of the Public Resources Code is amended to read:

5093.52. As used in this chapter, the following terms have the following meanings:

(a) "Secretary" means the Secretary of the Natural Resources Agency.

(b) "Natural Resources Agency" means the Secretary of the Natural Resources Agency and any constituent units of the Resources Agency that the secretary determines to be necessary to accomplish the purposes of this chapter.

(c) "River" means the water, bed, and shoreline of rivers, streams, channels, lakes, bays, estuaries, marshes, wetlands, and lagoons, up to the first line of permanently established riparian vegetation.

(d) "Free-flowing" means existing or flowing without artificial impoundment, diversion, or other modification of the river. The presence of low dams, diversion works, and other minor structures does not automatically bar a river's inclusion within the system. However, this subdivision does not authorize or encourage future construction of those structures on any component of the system.

(e) "System" means the California Wild and Scenic Rivers System.

(f) "Land use regulation" means the regulation by any state or local governmental entity, agency, or official of any activities that take place other than directly on the waters of the segments of the rivers designated in Section 5093.54.

(g) "Director" means the Director of Fish and Wildlife.

(h) "Immediate environments" means the land immediately adjacent to the segments of the rivers designated in Section 5093.54.

(i) "Special treatment areas" means, for purposes of this chapter, those areas defined as special treatment areas in Section 895.1 of Title 14 of the California Code of Regulations, as in effect on January 1, 2004, as that definition applies to wild and scenic river segments designated from time to time in Section 5093.54, and also includes areas within 200 feet of the watercourse transition line of a state-designated recreational river segment designated in Section 5093.54 that may be at risk during timber operations.

(j) "Board" means the State Board of Forestry and Fire Protection.

SEC. 10. Section 5093.542 of the Public Resources Code is amended to read:

5093.542. The Legislature finds and declares that the McCloud River possesses extraordinary resources in that it supports one of the finest wild trout fisheries in the state. Portions of the river have been appropriately designated by the Fish and Game Commission, pursuant to Chapter 7.2 (commencing with Section 1725) of Division 2 of the Fish and Game Code, as wild trout waters, with restrictions on the taking, or method of taking, of fish. The Legislature has determined, based upon a review of comprehensive technical data evaluating resources and potential beneficial uses, that potential beneficial uses must be balanced, in order to achieve protection of the unique fishery resources of the McCloud River, as follows:

(a) The continued management of river resources in their existing natural condition represents the best way to protect the unique fishery of the McCloud River. The Legislature further finds and declares that maintaining the McCloud River in its free-flowing condition to protect its fishery is the highest and most beneficial use of the waters of the McCloud River within the segments designated in subdivision (b), and is a reasonable use of water within the meaning of Section 2 of Article X of the California Constitution.

(b) A dam, reservoir, diversion, or other water impoundment facility shall not be constructed on the McCloud River from Algoma to the confluence with Huckleberry Creek, and 0.25 mile downstream from the McCloud Dam to the McCloud River Bridge and such a facility shall not be constructed on Yét Atwam Creek from the confluence with Cabin Creek to the confluence with the McCloud River.

(c) Except for participation by the Department of Water Resources in studies involving the technical and economic feasibility of enlargement of Shasta Dam, a department or agency of the state shall not assist or cooperate with, whether by loan, grant, license, or otherwise, any agency of the federal, state, or local government in the planning or construction of any dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition of the McCloud River, or on its wild trout fishery.

(d) A state agency exercising powers under any other law with respect to the protection and restoration of fishery resources shall continue to exercise those powers in a manner to protect and enhance the fishery of those segments designated in subdivision (b). In carrying out this subdivision, the exercise of powers shall be consistent with Section 5093.58.

(e) This section does not prejudice, alter, affect in any way, or interfere with the construction, maintenance, repair, or operation by the Pacific Gas and Electric Company of the existing McCloud-Pit development (FERC 2106) under its license, or prevent Pacific Gas and Electric from constructing a hydroelectric generating facility by retrofitting the existing McCloud Dam if the operation of the facility does not alter the existing flow regime below the dam.

SEC. 11. Section 5093.545 of the Public Resources Code is amended to read:

5093.545. The classifications heretofore established by the secretary for the rivers or segments of rivers included in the system are revised and adopted as follows:

	Rivers	Classification
(a)	Klamath River: The Klamath River from the FERC Project 2082 downstream boundary in Section 17 T47N R5W as shown on Exhibit K-7 sheet 1 dated May 25, 1962, to the river mouth at the Pacific Ocean	Recreational
(b)	Scott River:	
(1)	The Scott River from Shackleford Creek to McCarthy Creek	Recreational
(2)	The Scott River from McCarthy Creek to Scott Bar	Scenic
(3)	The Scott River from Scott Bar to the confluence with the Klamath River	Recreational
(c)	Salmon River:	
(1)	The Salmon River from the Forks of Salmon to the Lewis Creek confluence	Recreational
(2)	The Salmon River from the Lewis Creek confluence to the Wooley Creek confluence	Scenic
(3)	The Salmon River from the Wooley Creek confluence to the confluence with the Klamath River	Recreational
(4)	The South Fork of the Salmon River from Cecilville to St. Claire Creek confluence	Recreational
(5)	The South Fork from St. Claire Creek confluence to the Matthews Creek confluence	Scenic

(6)	The South Fork from Matthews Creek confluence to the Forks of Salmon	Recreational
(7)	The North Fork of the Salmon River from Marble Mountain Wilderness boundary to Mule Bridge Campground in Section 35 T12N R11W and Section 12 T11N R11W	Wild
(8)	The North Fork from Mule Bridge Campground to the Forks of Salmon	Recreational
(9)	Wooley Creek from the Marble Mountain Wilderness Area boundary to $\frac{1}{2}$ mile upstream of the confluence with Salmon River	Wild
(10)	Wooley Creek downstream $\frac{1}{2}$ mile above the confluence with the Salmon River	Recreational
(d)	Trinity River:	
(1)	The Trinity River from 100 yards below Lewiston Dam to Cedar Flat Creek confluence	Recreational
(2)	The Trinity River from Cedar Flat Creek confluence to Gray Falls	Scenic
(3)	The Trinity River from Gray Falls to the west boundary of Section 2 T8N R4E	Recreational
(4)	The Trinity River from the west boundary of Section 2 T8N R4E to the confluence with the Klamath River at Weitchpec	Scenic
(5)	The North Fork of the Trinity River from the Trinity Alps Primitive Area boundary to north boundary Section 20 T34N R11W	Wild
(6)	The North Fork from the north boundary Section 20 T34N R11W to mouth	Recreational
(7)	The South Fork Trinity River from Forest Glen to Hidden Valley Ranch	Wild
(8)	The South Fork from Hidden Valley Ranch to the Naufus Creek confluence in Section 8 T1N R7E	Scenic
(9)	The South Fork from the Naufus Creek confluence in Section 8 T1N R7E to Johnson Creek confluence near the boundary of Sections 13 and 14 T2N R6E	Wild
(10)	The South Fork from Johnson Creek confluence near the boundary of Sections 13 and 14 T2N R6E to the boundary of Sections 25 and 36 T2N R6E	Scenic
(11)	The South Fork from the boundary of Sections 25 and 36 T2N R6E to the footbridge near the mouth of Underwood Creek in Section 17 T4N R6E Humboldt Base and Meridian	Recreational
(12)	The South Fork from the footbridge near the mouth of Underwood Creek in Section 17 T4N R6E to Todd Ranch in Section 18 T5N R5E	Wild

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| (13) | The South Fork from Todd Ranch in Section 18 T5N R5E to the confluence with Main Trinity | Scenic |
| (14) | New River from the Salmon Trinity Primitive Area boundary to the junction with the East Fork New River in Section 23 T7N R7E | Wild |
| (15) | New River from the junction with the East Fork New River in Section 23 T7N R7E to 100 yards below Panther Creek Campground in Section 18 T6N R7E | Recreational |
| (16) | New River from 100 yards below Panther Creek Campground in Section 18 T6N R7E to Dyer Creek confluence in Section 25 T26N R6E | Scenic |
| (17) | New River from Dyer Creek confluence in Section 25 T26N R6E to the confluence with Trinity River | Wild |
| (e) | Smith River: | |
| (1) | Smith River from the confluence of the Middle and South Forks to its mouth at the Pacific Ocean | Recreational |
| (2) | Middle Fork Smith River from its source about 3 miles south of Sanger Lake as depicted on 1956 USGS 15' "Preston Peak" topographic map to the middle of Section 7 T17N R5E | Wild |
| (3) | Middle Fork Smith River from the middle of Section 7 T17N R5E to the middle of Section 6 T17N R5E | Scenic |
| (4) | Middle Fork Smith River from middle of Section 6 T17N R5E to one-half mile upstream from the confluence with Knopki Creek | Wild |
| (5) | Middle Fork Smith River from one-half mile upstream from the confluence with Knopki Creek to the confluence with South Fork Smith River | Recreational |
| (6) | Myrtle Creek from its source in Section 9 T17N R1E as depicted on 1952 USGS 15' "Crescent City" topographic map to the middle of Section 28 T17N R1E | Recreational |
| (7) | Myrtle Creek from the middle of Section 28 T17N R1E to the confluence with the Middle Fork Smith River | Recreational |
| (8) | Shelly Creek from its source in Section 1 T18N R3E as depicted on 1951 USGS 15' "Gasquet" topographic map to the confluence with Patrick Creek | Recreational |
| (9) | Kelly Creek from its source in Section 32 T17N R3E as depicted on 1951 USGS 15' "Gasquet" topographic map to the confluence with the Middle Fork Smith River | Recreational |

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| (10) | Packsaddle Creek from its source about 0.8 miles southwest of Broken Rib Mountain as depicted on 1956 USGS 15' "Preston Peak" topographic map to the eastern boundary of Section 3 T17N R1E | Recreational |
| (11) | Packsaddle Creek from the eastern boundary of Section 3 T17N R4E to the northern boundary of Section 3 T17N R4E | Recreational |
| (12) | Packsaddle Creek from the northern boundary of Section 3 T17N R4E to the confluence with the Middle Fork of Smith River | Recreational |
| (13) | East Fork Patrick Creek from its source in Section 10 T18N R3E as depicted on 1951 USGS 15' "Gasquet" topographic map to the confluence with the West Fork Patrick Creek | Recreational |
| (14) | West Fork Patrick Creek from its source in Section 18 T18N R3E as depicted on 1951 USGS 15' "Gasquet" topographic map to the confluence with the East Fork Patrick Creek | Recreational |
| (15) | Griffin Creek from its source about 0.2 miles southwest of Hazel View Summit as depicted on 1956 USGS 15' "Preston Peak" topographic map to the confluence with the Middle Fork Smith River | Recreational |
| (16) | Knopki Creek from its source about 0.4 miles west of Sanger Peak as depicted on 1956 USGS 15' "Preston Peak" topographic map to the confluence with the Middle Fork Smith River | Recreational |
| (17) | Monkey Creek from its source in the northeast quadrant of Section 12 T18N R3E as depicted on 1951 USGS 15' "Gasquet" topographic map to the northern boundary of Section 26 T18N R3E | Recreational |
| (18) | Monkey Creek from the northern boundary of Section 26 T18N R3E to the confluence with the Middle Fork of Smith River | Recreational |
| (19) | Patrick Creek from the junction of East and West Forks of Patrick Creek to the confluence with the Middle Fork Smith River | Recreational |
| (20) | North Fork Smith River from the California-Oregon boundary to the confluence with an unnamed tributary in the northern quarter Section 5 T18N R2E as depicted on 1951 USGS 15' "Gasquet" topographic map | Wild |

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| (21) | North Fork Smith River from the confluence with an unnamed tributary in the northern quarter of Section 5 T18N R2E to the southernmost intersection of the eastern boundary of Section 5 T18N R2E as depicted on 1951 USGS 15' "Gasquet" topographic map | Scenic |
| (22) | North Fork Smith River from the southernmost intersection of the eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15' "Gasquet" topographic map to the confluence with Stony Creek | Wild |
| (23) | North Fork Smith River from the confluence with Stony Creek to the confluence with the Middle Fork of the Smith River | Recreational |
| (24) | Diamond Creek from the California-Oregon state boundary to the confluence with High Plateau Creek | Recreational |
| (25) | Diamond Creek from the confluence with High Plateau Creek to the confluence with the North Fork Smith River | Recreational |
| (26) | Bear Creek from its source in Section 24 T18N R2E as depicted on 1951 USGS 15' "Gasquet" topographic map to the confluence with Diamond Creek | Recreational |
| (27) | Still Creek from its source in Section 11 T18N R1E as depicted on 1952 USGS 15' "Crescent City" topographic map to the confluence with the North Fork Smith River | Recreational |
| (28) | North Fork Diamond Creek from the California-Oregon state boundary to the confluence with Diamond Creek | Recreational |
| (29) | High Plateau Creek from its source in Section 26 T18N R2E as depicted on 1951 USGS 15' "Gasquet" topographic map to the northern boundary Section 23 T18N R2E | Recreational |
| (30) | High Plateau Creek from the northern boundary Section 23 T18N R2E to the confluence with Diamond Creek | Recreational |
| (31) | Siskiyou Fork of Smith River from its source about 0.7 miles southeast of Broken Rib Mountain as depicted on 1956 USGS 15' "Preston Peak" topographic map to the confluence with the South Siskiyou Fork of the Smith River | Wild |
| (32) | Siskiyou Fork of the Smith River from the confluence with the South Siskiyou Fork of the Smith River to the confluence with the Middle Fork of the Smith River | Recreational |
| (33) | South Siskiyou Fork of the Smith River from its source about 0.6 miles southwest of Buck Lake as depicted on 1956 USGS 15' "Preston Peak" topographic map to the | Wild |

	confluence with the Siskiyou Fork of the Smith River	
(34)	South Fork Smith River from its source about 0.5 miles southwest of Bear Mountain as depicted on 1956 USGS 15' "Preston Peak" topographic map to Blackhawk Bar	Wild
(35)	South Fork Smith River from Blackhawk Bar to the confluence with the Middle Fork Smith River	Recreational
(36)	Williams Creek from its source in Section 31 T14N R4E as depicted on 1952 USGS 15' "Ship Mountain" topographic map to the confluence with Eight Mile Creek	Recreational
(37)	Eight Mile Creek from its source in Section 29 T14N R4E as depicted on 1955 USGS 15' "Dillon Mtn." topographic map to the confluence with the South Fork Smith River	Recreational
(38)	Prescott Fork of the Smith River from its source about 0.5 miles southeast of Island Lake as depicted on 1955 USGS 15' "Dillon Mtn." topographic map to the confluence with the South Fork Smith River	Recreational
(39)	Quartz Creek from its source in Section 31 T16N R4E as depicted on 1952 USGS 15' "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(40)	Jones Creek from its source in Section 36 T16N R3E as depicted on 1952 USGS 15' "Ship Mountain" topographic map to the middle of Section 5 T15N R3E	Recreational
(41)	Jones Creek from the middle of Section 5 T15N R3E to the confluence with the South Fork of the Smith River	Recreational
(42)	Hurdygurdy Creek from its source about 0.4 miles southwest of Bear Basin Butte as depicted on 1956 USGS 15' "Preston Peak" topographic map to the confluence with the South Fork Smith River	Recreational
(43)	Gordon Creek from its source in Section 18 T16N R3E as depicted on 1951 USGS 15' "Gasquet" topographic map to the confluence with the South Fork Smith River	Recreational
(44)	Coon Creek from the junction of the two source tributaries in the southwest quadrant of Section 31 T17N R3E as depicted on 1951 USGS 15' "Gasquet" topographic map to the western boundary of Section 14 T16N R2E	Recreational

(45)	Coon Creek from the western boundary of Section 14 T16N R2E to the confluence with the South Fork Smith River	Recreational
(46)	Craigs Creek from its source in Section 36 T17N R2E as depicted on 1951 USGS 15' "Gasquet" topographic map to the confluence with the South Fork Smith River	Recreational
(47)	Buck Creek from its source at Cedar Camp Spring as depicted on 1952 USGS 15' "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(48)	Muzzleloader Creek from its source in Section 2 T15N R3E as depicted on 1952 USGS 15' "Ship Mountain" topographic map to the confluence with Jones Creek	Recreational
(49)	Canthook Creek from its source in Section 2 T15N R2E as depicted on 1952 USGS 15' "Ship Mountain" topographic map to the confluence with the South Fork Smith River	Recreational
(f)	Eel River:	
(1)	The Eel River from 100 yards below Cape Horn Dam to the confluence with Tomki Creek	Recreational
(2)	The Eel River from the confluence with Tomki Creek to the middle of Section 22 T19N R12W	Scenic
(3)	The Eel River from the middle of Section 22 T19N R12W to the boundary between Sections 7 and 8 T19N R12W	Recreational
(4)	The Eel River from the boundary between Sections 7 and 8 T19N R12W to the confluence with Outlet Creek	Wild
(5)	The Eel River from the confluence with Outlet Creek to the mouth at the Pacific Ocean	Recreational
(6)	The South Fork of the Eel River from the mouth of Section Four Creek near Branscomb	Recreational
(7)	The South Fork of the Eel River from Horseshoe Bend to the middle of Section 29 T23N R16W	Wild
(8)	The South Fork of the Eel River from the middle of Section 29 T23N R16W to the confluence with the main Eel near Weott	Recreational
(9)	Middle Fork of the Eel River from the intersection of the river with the southern boundary of the Middle Eel-Yolla Bolly Wilderness Area to the Eel River Ranger Station	Wild
(10)	The Middle Fork of the Eel River from Eel River Ranger Station to Williams Creek	Recreational

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| (11) | The Middle Fork of the Eel River from Williams Creek to the southern boundary of the northern quarter of Section 25 T22N R12W | Scenic |
| (12) | The Middle Fork of the Eel River from the southern boundary of the northern quarter of Section 25 T22N R12W to the boundary between Sections 4 and 5 T21N R13W | Wild |
| (13) | The Middle Fork of the Eel River from the boundary between Sections 4 and 5 T21N R13W to the confluence with main Eel at Dos Rios | Recreational |
| (14) | The North Fork of the Eel River from the Old Gilman Ranch to the middle of Section 8 T24N R13W | Wild |
| (15) | The North Fork of the Eel River from the middle of Section 8 T24N R13W to the boundary between Sections 12 and 13 T24N R14W | Recreational |
| (16) | The North Fork of the Eel River from the boundary between Sections 12 and 13 T24N R14W to the confluence with main Eel | Wild |
| (g) | Van Duzen River: | |
| (1) | The Van Duzen River from the Dinsmore Bridge to the powerline crossing above Little Larabee Creek | Scenic |
| (2) | The Van Duzen River from the powerline crossing above Little Larabee Creek to the confluence with Eel River | Recreational |
| (h) | Lower American River: The Lower American River from Nimbus Dam to its junction with the Sacramento River | |
| | | Recreational |
| (i) | North Fork American River: | |
| (1) | The North Fork from the source of the North Fork American River to two and one-half miles above the Forest Hill-Soda Springs Road | Wild |
| (2) | The North Fork from two and one-half miles above the Forest Hill-Soda Springs Road to one-half mile below the Forest Hill-Soda Springs Road | Scenic |
| (3) | The North Fork from one-half mile below the Forest Hill-Soda Springs Road to one-quarter mile above the Iowa Hill Bridge | Wild |
| (4) | The North Fork from one-quarter mile above the Iowa Hill Bridge to the Iowa Hill Bridge | Scenic |
| (j) | West Walker River: | |
| (1) | West Walker River from Tower Lake to northern boundary of Section 10 (T5N, R22E) | Wild |

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| (2) | West Walker River From northern boundary of Section 10 (T5N, R22E) to the eastern boundary of Section 23 (T6N, R22E) | Scenic |
| (3) | West Walker River from the eastern boundary of Section 23 (T6N, R22E) to the eastern boundary of Section 24 (T6N, R22E) | Recreational |
| (4) | West Walker River from the eastern boundary of Section 24 (T6N, R22E) to the confluence with Little Walker River | Scenic |
| (5) | West Walker River from the confluence with Little Walker River to the confluence with Rock Creek | Recreational |
| (6) | Leavitt Creek from Leavitt Falls to the confluence with West Walker River | Scenic |
| (k) | East Fork Carson River: East Fork Carson River from Hangman's Bridge crossing of state Highway 89 to the California-Nevada border | Scenic |
| (l) | (1) The South Yuba River: | |
| | (A) The South Yuba River from Lang Crossing to the confluence with Fall Creek | Scenic |
| | (B) The South Yuba River from the confluence with Fall Creek to the confluence with Jefferson Creek below the Town of Washington | Recreational |
| | (C) The South Yuba River from the confluence with Jefferson Creek to Edwards Crossing | Scenic |
| | (D) The South Yuba River from Edwards Crossing to its confluence with Kentucky Creek below Bridgeport | Scenic |
| (2) | This subdivision shall become operative January 1, 2001. | |
| (m) | Albion River: The Albion River from one-fourth mile upstream of its confluence with Deadman Gulch downstream to its mouth at the Pacific Ocean | Recreational |
| (n) | Gualala River: The main stem Gualala River from the confluence of the North and South Forks to the Pacific Ocean | Recreational |
| (o) | Cache Creek: | |
| (1) | North Fork Section: From Highway 20 two miles downstream to the confluence of Cache Creek and the North Fork Cache Creek | Scenic |
| (2) | Mainstem Section: | |

(A) One-quarter mile downstream of Cache Creek		
Dam to the confluence with Davis Creek		Wild
(B) Davis Creek confluence to 1 mile downstream of Davis Creek confluence		Scenic
(C) One mile downstream of Davis Creek confluence to western boundary of Section 6 T12N R4W		Wild
(D) Western boundary of Section 6 to the confluence with Bear Creek		Scenic
(E) Bear Creek confluence to Camp Haswell		
		Recreational
(p)	Mokelumne River:	
(1)	Segment A1: North Fork Mokelumne River from 0.50 miles downstream of the Salt Springs Dam to Bear River confluence	Recreational
(2)	Segment A2: North Fork Mokelumne River from the Bear River confluence to 0.50 miles upstream of the Tiger Creek Powerhouse	Wild
(3)	Segment B: North Fork Mokelumne River from 1,000 feet downstream of the Tiger Creek Afterbay Dam to State Highway Route 26 (SR-26)	Scenic
(4)	Segment C1: North Fork Mokelumne River from 400 feet downstream of the small reregulating dam at the outlet of the West Point Powerhouse to the southern boundary of Section 12, T6N R12E	Wild
(5)	Segment C2: Section 12 boundary to confluence of the North and Middle Forks Mokelumne River	
		Recreational
(6)	Segment D: Mokelumne River from the confluence of the North and Middle Forks to 300 feet upstream of the Electra Powerhouse	Scenic
(7)	Segment E: Mokelumne River from 300 feet downstream of the small reregulating dam downstream of the Electra Powerhouse to the Pardee Reservoir flood surcharge pool at 580 feet elevation above mean sea level	Recreational

SEC. 12. Section 10005 of the Public Resources Code is amended to read:

10005. (a) The Department of Fish and Wildlife shall impose and collect a filing fee of eight hundred fifty dollars (\$850) to defray the costs of identifying streams and providing studies pursuant to this division.

(b) The filing fee shall be proportional to the cost incurred by the Department of Fish and Wildlife and shall be annually reviewed and adjustments recommended to the Legislature in an amount necessary to pay the costs of the Department of Fish and Wildlife as specified in subdivision (a).

(c) Any user of water, including a person or entity holding riparian or appropriative rights, shall pay the filing fee to the Department of Fish and Wildlife upon application to the State Water Resources Control Board for any permit, transfer, extension, or change of

point of diversion, place of use, or purpose of use, if there is a diversion of water from any waterway where fish reside. No permit, or other entitlement identified in this section, is effective until the filing fee is paid. The State Water Resources Control Board shall, every six months, forward all fees collected to the Department of Fish and Wildlife and provide the location for each entitlement for which a filing fee has been collected.

(d) The fee imposed by this section shall not be imposed on the following applications filed with the State Water Resources Control Board:

(1) Registrations submitted pursuant to Article 2.7 (commencing with Section 1228) of Chapter 1 of Part 2 of Division 2 of the Water Code.

(2) The first application for an extension of time for an individual permit if no change in point of diversion, place of use, or purpose of use is included in the application.

(3) Water applications that, in the opinion of the Department of Fish and Wildlife, are filed for administrative and technical clarification purposes only.

(4) Water applications or petitions, the primary purpose of which is to benefit fish and wildlife resources. The determination of the benefit to fish and wildlife shall be made, in writing, by the Department of Fish and Wildlife in order to be exempt from the fee.

(e) If an applicant or petitioner files multiple applications or petitions for the same appropriation, transfer, extension, or change, and the State Water Resources Control Board reviews and considers the applications or petitions together, only one filing fee is required for those applications or petitions.

SEC. 13. Section 1112 of the Water Code is amended to read:

1112. (a) Except as provided in subdivision (b), a hearing officer from the Administrative Hearings Office shall preside over a hearing in any of the following matters:

(1) A complaint issued under Section 1055.

(2) A notice of a proposed cease and desist order issued under Section 1834.

(3) A notice of a revocation of a permit issued under Section 1410 or revocation of a license issued under Section 1675.

(b) Subdivision (a) does not apply if the hearing notice includes, in addition to a proceeding under subdivision (a), consideration of a decision or order on a matter not subject to subdivision (a).

(c) In an adjudicative hearing presided over by the board or a board member, all of the following shall apply:

(1) Upon request by the board, a hearing officer from the Administrative Hearings Office shall assist the board or board member in conducting the hearing.

(2) The board may assign an adjudicative hearing, in whole or in part, to the Administrative Hearings Office.

(d) A hearing officer may perform additional work requested by the board, including, but not limited to, presiding over hearings on nonadjudicative matters, mediations, and overseeing investigations.

(e) A hearing officer may only perform the work specified in subdivisions (c) and (d) if the additional work does not conflict with the officer's primary responsibility to serve as a hearing officer for matters listed in subdivision (a) and to resolve those matters in a timely manner.

SEC. 14. Section 1228.5 of the Water Code is amended to read:

1228.5. (a) Registration of a small domestic, small irrigation, or livestock stockpond use pursuant to this article shall be renewed prior to the expiration of each five-year period following completed registration.

(b) Registrations for which all annual fees have been timely paid and all annual reports have been timely submitted at the expiration of the five-year registration shall be renewed by operation of law.

(c) The conditions established by the board pursuant to Section 1228.6 that are in effect at the time of renewal of registration shall supersede the conditions that were applicable to the original completed registration.

(d) A registration for which fees or water use reports remain outstanding at the expiration of the five-year registration period shall be revoked by operation of law.

SEC. 15. Section 1535 of the Water Code is amended to read:

1535. (a) Any fee subject to this chapter that is required in connection with the filing of an application, registration, request, statement, or proof of claim, other than an annual fee required after the period covered by the initial filing fee, shall be paid to the board.

(b) If a fee established under subdivision (b) of Section 1525, Section 1528, or Section 13160.1 is not paid when due, the board may cancel the application, registration, petition, request, statement, or claim, or may refer the matter to the California Department of Tax and Fee Administration for collection of the unpaid fee.

SEC. 16. Section 1536 of the Water Code is amended to read:

1536. All annual fees, other than the initial filing fee required in connection with the filing of an application, registration, petition, or request, or proof of claim, and all unpaid fees and expenses referred to the California Department of Tax and Fee Administration for collection pursuant to subdivision (b) of Section 1535 or Section 2868, shall be paid to the California Department of Tax and Fee Administration.

SEC. 17. Section 1537 of the Water Code is amended to read:

1537. (a) The California Department of Tax and Fee Administration shall collect any fee or expense required to be paid to the California Department of Tax and Fee Administration under this chapter.

(b) (1) The California Department of Tax and Fee Administration shall collect the fees pursuant to the Fee Collection Procedures Law (Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code).

(2) Notwithstanding the appeal provisions in the Fee Collection Procedures Law, a determination by the board that a person or entity is required to pay a fee, or a determination by the board regarding the amount of that fee, is subject to review under Chapter 4 (commencing with Section 1120) of Part 1 and is not subject to a petition for redetermination by the California Department of Tax and Fee Administration.

(3) Notwithstanding the refund provisions in the Fee Collection Procedures Law, the California Department of Tax and Fee Administration shall not accept any claim for refund that is based on the assertion that a determination by the board improperly or erroneously calculated the amount of a fee, or incorrectly determined that the person or entity is subject to the fee, unless that determination has been set aside by the board or a court reviewing the determination of the board.

(4) This subdivision shall not be construed to apply Chapter 4 (commencing with Section 1120) of Part 1 to the adoption of regulations under this chapter or to a determination of expenses under Part 3 (commencing with Section 2000).

(c) The board shall provide to the California Department of Tax and Fee Administration the name and address of each person or entity who is liable for a fee or expense, the amount of the fee or expense, and the due date.

SEC. 18. Section 1551 of the Water Code is amended to read:

1551. All of the following shall be deposited into the Water Rights Fund:

(a) All fees, expenses, and penalties collected by the board or the California Department of Tax and Fee Administration under this chapter and Part 3 (commencing with Section 2000).

(b) All funds collected pursuant to Section 1052, Article 4 (commencing with Section 1845) of Chapter 12, or Section 5107.

(c) All fees and penalties collected pursuant to Sections 13160.1 and 13385 in connection with certificates for activities involving an appropriation of water subject to this part, hydroelectric power projects subject to licensing by the Federal Energy Regulatory Commission, or other diversions of water for beneficial use.

SEC. 19. Section 1701 of the Water Code is amended and renumbered to read:

1700.2. At any time after notice of an application is given, an applicant, permittee, or licensee may change the point of diversion, place of use, purpose of use, or any other provision or condition from that specified in the application, permit, or license; but that change may be made only upon permission of the board.

SEC. 20. Section 5205 of the Water Code is amended to read:

5205. A report submitted under this part or a determination of facts by the board pursuant to Section 5105 shall not establish or constitute evidence of a right to divert or use water.

SEC. 21. Part 8 (commencing with Section 5975) of Division 2 of the Water Code is repealed.

SEC. 22. Section 10004 of the Water Code is amended to read:

10004. (a) The plan for the orderly and coordinated control, protection, conservation, development, and utilization of the water resources of the state that is set forth and described in Bulletin No. 1 of the State Water Resources Board entitled "Water Resources of California," Bulletin No. 2 of the State Water Resources Board entitled, "Water Utilization and Requirements of California," and Bulletin No. 3 of the department entitled, "The California Water Plan," with any necessary amendments, supplements, and additions to the plan, shall be known as "The California Water Plan."

(b) (1) The department shall update The California Water Plan on or before December 31, 2003, and every five years thereafter. The department shall report the amendments, supplements, and additions included in the updates of The California Water Plan, together with a summary of the department's conclusions and recommendations, to the Legislature in the session in which the updated plan is issued.

(2) (A) The department shall establish an advisory committee, comprised of representatives of agricultural and urban water suppliers, local government, business, production agriculture, and environmental interests, and other interested parties, to assist the department in the updating of The California Water Plan. The department shall consult with the advisory committee in carrying out this section. The department shall provide written notice of meetings of the advisory committee to any interested person or entity that requests the notice. The meetings shall be open to the public.

(B) The department may add members to the advisory committee to carry out the purposes of Section 10004.7. Additional advisory committee members may include those from environmental justice sectors, local water supply agencies, and researchers and experts on climate science, climate science solutions, water storage, water conveyance, and environmental protection.

(3) The department shall release a preliminary draft of The California Water Plan, as updated, upon request, to interested persons and entities throughout the state for their review and comments. The department shall provide these persons and entities an opportunity to present written or oral comments on the preliminary draft. The department shall consider these comments in the preparation of the final publication of The California Water Plan, as updated.

SEC. 23. Section 12949.6 of the Water Code is repealed.

SEC. 24. Section 13160.1 of the Water Code is amended to read:

13160.1. (a) The state board may establish a reasonable fee schedule to cover the costs incurred by the state board and the regional boards in connection with any certificate that is required or authorized by any federal law with respect to the effect of any existing or proposed facility, project, or construction work upon the quality of waters of the state, including certificates requested by applicants for a federal permit or license pursuant to Section 401 of the Federal Water Pollution Control Act, as amended, and certificates requested pursuant to Section 169 of the Internal Revenue Code, as amended, with respect to water pollution control facilities.

(b) In providing for the recovery of costs incurred by the state board and regional board pursuant to this section, the state board may include in the fee schedule, but is not limited to including, the costs incurred in reviewing applications for certificates, prescribing terms of certificates and monitoring requirements, enforcing and evaluating compliance with certificates and monitoring requirements, conducting monitoring and modeling, analyzing laboratory samples, reviewing documents prepared for the purpose of regulating activities subject to certificates, and administrative costs incurred in connection with carrying out these actions. The costs of reviewing applications for certificates include, but are not limited to, the costs incurred in anticipation of the filing of an application for a certificate, including participation in any prefiling consultation, and investigation or studies to evaluate the impacts of the proposed activity.

(c) (1) The fee schedule may provide for payment of a single fee in connection with the filing of an application, or for periodic or annual fees, as appropriate to the type of certificate issued and the activity authorized by the certificate.

(2) The fee schedule authorized by this section may impose a fee upon any of the following:

(A) Any person who files an application for a certificate.

(B) Any person who files with the state board or a regional board a notice of intent to file an application for a certificate, or who files with a federal agency a notice of intent to apply for a federal permit or license for which a certificate will be required under Section 401 of the Federal Water Pollution Control Act.

(C) Any person holding a federal permit or license for which a certificate has been issued.

(D) Any person required to send a notice of intent to the state board or a regional board to proceed with an activity permitted by a general permit subject to certification under Section 13160.

(d) (1) If the state board establishes a fee schedule pursuant to this section, the state board shall adopt the fee schedule by emergency regulation. The state board shall set the amount of total revenues collected each year through the fee authorized by this section at an amount equal to the revenue levels set forth in the annual Budget Act for this activity. The state board shall review and revise the fee each fiscal year as necessary to conform with the revenue levels set forth in the annual Budget Act. If the state board determines that the revenue collected during the preceding year was greater than, or less than, the revenue levels set forth in the annual Budget Act, the state board may further adjust the annual fees to compensate for the over or under collection of revenue.

(2) The emergency regulations adopted pursuant to this subdivision, any amendment thereto, or subsequent adjustments to the annual fees, shall be adopted by the state board in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations adopted by the state board, or adjustments to the annual fees made by the state board pursuant to this section, shall remain in effect until revised by the state board.

(e) Any fees collected pursuant to this section in connection with certificates for activities subject to Section 1551 shall be deposited into the Water Rights Fund.

SEC. 25. Section 13385 of the Water Code is amended to read:

13385. (a) A person who violates any of the following shall be liable civilly in accordance with this section:

(1) Section 13375 or 13376.

(2) A waste discharge requirement or dredged or fill material permit issued pursuant to this chapter or any water quality certification issued pursuant to Section 13160.

(3) A requirement established pursuant to Section 13383.

(4) An order or prohibition issued pursuant to Section 13243 or Article 1 (commencing with Section 13300) of Chapter 5, if the activity subject to the order or prohibition is subject to regulation under this chapter.

(5) A requirement of Section 301, 302, 306, 307, 308, 318, 401, or 405 of the federal Clean Water Act (33 U.S.C. Sec. 1311, 1312, 1316, 1317, 1318, 1341, or 1345), as amended.

(6) A requirement imposed in a pretreatment program approved pursuant to waste discharge requirements issued under Section 13377 or approved pursuant to a permit issued by the administrator.

(b) (1) Civil liability may be imposed by the superior court in an amount not to exceed the sum of both of the following:

(A) Twenty-five thousand dollars (\$25,000) for each day in which the violation occurs.

(B) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed twenty-five dollars (\$25) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

(2) The Attorney General, upon request of a regional board or the state board, shall petition the superior court to impose the liability.

(c) Civil liability may be imposed administratively by the state board or a regional board pursuant to Article 2.5 (commencing with Section 13323) of Chapter 5 in an amount not to exceed the sum of both of the following:

(1) Ten thousand dollars (\$10,000) for each day in which the violation occurs.

(2) Where there is a discharge, any portion of which is not susceptible to cleanup or is not cleaned up, and the volume discharged but not cleaned up exceeds 1,000 gallons, an additional liability not to exceed ten dollars (\$10) multiplied by the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

(d) For purposes of subdivisions (b) and (c), "discharge" includes any discharge to navigable waters of the United States, any introduction of pollutants into a publicly owned treatment works, or any use or disposal of sewage sludge.

(e) In determining the amount of any liability imposed under this section, the regional board, the state board, or the superior court, as the case may be, shall take into account the nature, circumstances, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on its ability to continue its business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters that justice may require. At a minimum, liability shall be assessed at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation.

(f) (1) Except as provided in paragraph (2), for the purposes of this section, a single operational upset that leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

(2) (A) For the purposes of subdivisions (h) and (i), a single operational upset in a wastewater treatment unit that treats wastewater using a biological treatment process shall be treated as a single violation, even if the operational upset results in violations of more than one effluent limitation and the violations continue for a period of more than one day, if all of the following apply:

(i) The discharger demonstrates all of the following:

(I) The upset was not caused by wastewater treatment operator error and was not due to discharger negligence.

(II) But for the operational upset of the biological treatment process, the violations would not have occurred nor would they have continued for more than one day.

(III) The discharger carried out all reasonable and immediately feasible actions to reduce noncompliance with the applicable effluent limitations.

(ii) The discharger is implementing an approved pretreatment program, if so required by federal or state law.

(B) Subparagraph (A) only applies to violations that occur during a period for which the regional board has determined that violations are unavoidable, but in no case may that period exceed 30 days.

(g) Remedies under this section are in addition to, and do not supersede or limit, any other remedies, civil or criminal, except that no liability shall be recoverable under Section 13261, 13265, 13268, or 13350 for violations for which liability is recovered under this section.

(h) (1) Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each serious violation.

(2) For the purposes of this section, a "serious violation" means any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 20 percent or more or for a Group I pollutant, as specified in Appendix A to Section 123.45 of Title 40 of the Code of Federal Regulations, by 40 percent or more.

(i) (1) Notwithstanding any other provision of this division, and except as provided in subdivisions (j), (k), and (l), a mandatory minimum penalty of three thousand dollars (\$3,000) shall be assessed for each violation whenever the person does any of the following four or more times in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations:

(A) Violates a waste discharge requirement effluent limitation.

(B) Fails to file a report pursuant to Section 13260.

(C) Files an incomplete report pursuant to Section 13260.

(D) Violates a toxicity effluent limitation contained in the applicable waste discharge requirements where the waste discharge requirements do not contain pollutant-specific effluent limitations for toxic pollutants.

(2) For the purposes of this section, a "period of six consecutive months" means the period commencing on the date that one of the violations described in this subdivision occurs and ending 180 days after that date.

(j) Subdivisions (h) and (i) do not apply to any of the following:

(1) A violation caused by one or any combination of the following:

(A) An act of war.

(B) An unanticipated, grave natural disaster or other natural phenomenon of an exceptional, inevitable, and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

(C) An intentional act of a third party, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

(D) (i) The operation of a new or reconstructed wastewater treatment unit during a defined period of adjusting or testing, not to exceed 90 days for a wastewater treatment unit that relies on a biological treatment process and not to exceed 30 days for any other wastewater treatment unit, if all of the following requirements are met:

(I) The discharger has submitted to the regional board, at least 30 days in advance of the operation, an operations plan that describes the actions the discharger will take during the period of adjusting and testing, including steps to prevent violations and identifies the shortest reasonable time required for the period of adjusting and testing, not to exceed 90 days for a wastewater treatment unit that relies on a biological treatment process and not to exceed 30 days for any other wastewater treatment unit.

(II) The regional board has not objected in writing to the operations plan.

(III) The discharger demonstrates that the violations resulted from the operation of the new or reconstructed wastewater treatment unit and that the violations could not have reasonably been avoided.

(IV) The discharger demonstrates compliance with the operations plan.

(V) In the case of a reconstructed wastewater treatment unit, the unit relies on a biological treatment process that is required to be out of operation for at least 14 days in order to perform the reconstruction, or the unit is required to be out of operation for at least 14 days and, at the time of the reconstruction, the cost of reconstructing the unit exceeds 50 percent of the cost of replacing the wastewater treatment unit.

(ii) For the purposes of this section, "wastewater treatment unit" means a component of a wastewater treatment plant that performs a designated treatment function.

(2) (A) Except as provided in subparagraph (B), a violation of an effluent limitation where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300, if all of the following requirements are met:

(i) The cease and desist order or time schedule order is issued after January 1, 1995, but not later than July 1, 2000, specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i), and the date by which compliance is required to be achieved and, if the final date by which compliance is required to be achieved is later than one year from the effective date of the cease and desist order or time schedule order, specifies the interim requirements by which progress towards compliance will be measured and the date by which the discharger will be in compliance with each interim requirement.

(ii) The discharger has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan that meets the requirements of Section 13263.3.

(iii) The discharger demonstrates that it has carried out all reasonable and immediately feasible actions to reduce noncompliance with the waste discharge requirements applicable to the waste discharge and the executive officer of the regional board concurs with the demonstration.

(B) Subdivisions (h) and (i) shall become applicable to a waste discharge on the date the waste discharge requirements applicable to the waste discharge are revised and reissued pursuant to Section 13380, unless the regional board does all of the following on or before that date:

(i) Modifies the requirements of the cease and desist order or time schedule order as may be necessary to make it fully consistent with the reissued waste discharge requirements.

(ii) Establishes in the modified cease and desist order or time schedule order a date by which full compliance with the reissued waste discharge requirements shall be achieved. For the purposes of this subdivision, the regional board may not establish this date later than five years from the date the waste discharge requirements were required to be reviewed pursuant to Section 13380. If the reissued waste discharge requirements do not add new effluent limitations or do not include effluent limitations that are more stringent than those in the original waste discharge requirements, the date shall be the same as the final date for compliance in the original cease and desist order or time schedule order or five years from the date that the waste discharge requirements were required to be reviewed pursuant to Section 13380, whichever is earlier.

(iii) Determines that the pollution prevention plan required by clause (ii) of subparagraph (A) is in compliance with the requirements of Section 13263.3 and that the discharger is implementing the pollution prevention plan in a timely and proper manner.

(3) A violation of an effluent limitation where the waste discharge is in compliance with either a cease and desist order issued pursuant to Section 13301 or a time schedule order issued pursuant to Section 13300 or 13308, if all of the following requirements are met:

(A) The cease and desist order or time schedule order is issued on or after July 1, 2000, and specifies the actions that the discharger is required to take in order to correct the violations that would otherwise be subject to subdivisions (h) and (i).

(B) The regional board finds that, for one of the following reasons, the discharger is not able to consistently comply with one or more of the effluent limitations established in the waste discharge requirements applicable to the waste discharge:

(i) The effluent limitation is a new, more stringent, or modified regulatory requirement that has become applicable to the waste discharge after the effective date of the waste discharge requirements and after July 1, 2000, new or modified control measures are necessary in order to comply with the effluent limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

(ii) New methods for detecting or measuring a pollutant in the waste discharge demonstrate that new or modified control measures are necessary in order to comply with the effluent limitation and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

(iii) Unanticipated changes in the quality of the municipal or industrial water supply available to the discharger are the cause of unavoidable changes in the composition of the waste discharge, the changes in the composition of the waste discharge are the cause of the inability to comply with the effluent limitation, no alternative water supply is reasonably available to the discharger, and new or modified measures to control the composition of the waste discharge cannot be designed, installed, and put into operation within 30 calendar days.

(iv) The discharger is a publicly owned treatment works located in Orange County that is unable to meet effluent limitations for biological oxygen demand, suspended solids, or both, because the publicly owned treatment works meets all of the following criteria:

(I) Was previously operating under modified secondary treatment requirements pursuant to Section 301(h) of the Clean Water Act (33 U.S.C. Sec. 1311(h)).

(II) Did vote on July 17, 2002, not to apply for a renewal of the modified secondary treatment requirements.

(III) Is in the process of upgrading its treatment facilities to meet the secondary treatment standards required by Section 301(b)(1)(B) of the Clean Water Act (33 U.S.C. Sec. 1311(b)(1)(B)).

(C) (i) The regional board establishes a time schedule for bringing the waste discharge into compliance with the effluent limitation that is as short as possible, taking into account the technological, operational, and economic factors that affect the design, development, and implementation of the control measures that are necessary to comply with the effluent limitation. Except as provided in clause (ii), for the purposes of this subdivision, the time schedule shall not exceed five years in length.

(ii) (I) For purposes of the upgrade described in subclause (III) of clause (iv) of subparagraph (B), the time schedule shall not exceed 10 years in length.

(II) Following a public hearing, and upon a showing that the discharger is making diligent progress toward bringing the waste discharge into compliance with the effluent limitation, the regional board may extend the time schedule for an additional period not exceeding five years in length, if the discharger demonstrates that the additional time is necessary to comply with the effluent limitation. This subclause does not apply to a time schedule described in subclause (I).

(iii) If the time schedule exceeds one year from the effective date of the order, the schedule shall include interim requirements and the dates for their achievement. The interim requirements shall include both of the following:

(I) Effluent limitations for the pollutant or pollutants of concern.

(II) Actions and milestones leading to compliance with the effluent limitation.

(D) The discharger has prepared and is implementing in a timely and proper manner, or is required by the regional board to prepare and implement, a pollution prevention plan pursuant to Section 13263.3.

(k) (1) In lieu of assessing all or a portion of the mandatory minimum penalties pursuant to subdivisions (h) and (i) against a publicly owned treatment works serving a small community, the state board or the regional board may elect to require the publicly owned treatment works to spend an equivalent amount towards the completion of a compliance project proposed by the publicly owned treatment works, if the state board or the regional board finds all of the following:

(A) The compliance project is designed to correct the violations within five years.

(B) The compliance project is in accordance with the enforcement policy of the state board, excluding any provision in the policy that is inconsistent with this section.

(C) The publicly owned treatment works has prepared a financing plan to complete the compliance project.

(2) For the purposes of this subdivision, "a publicly owned treatment works serving a small community" means a publicly owned treatment works serving a population of 20,000 persons or fewer or a rural county, with a financial hardship as determined by the state board after considering such factors as median income of the residents, rate of unemployment, or low population density in the service area of the publicly owned treatment works.

(l) (1) In lieu of assessing penalties pursuant to subdivision (h) or (i), the state board or the regional board, with the concurrence of the discharger, may direct a portion of the penalty amount to be expended on a supplemental environmental project in accordance with the enforcement policy of the state board. If the penalty amount exceeds fifteen thousand dollars (\$15,000), the portion of the penalty amount that may be directed to be expended on a supplemental environmental project may not exceed fifteen thousand dollars (\$15,000) plus 50 percent of the penalty amount that exceeds fifteen thousand dollars (\$15,000).

(2) For the purposes of this section, a "supplemental environmental project" means an environmentally beneficial project that a person agrees to undertake, with the approval of the regional board, that would not be undertaken in the absence of an enforcement action under this section.

(3) This subdivision applies to the imposition of penalties pursuant to subdivision (h) or (i) on or after January 1, 2003, without regard to the date on which the violation occurs.

(m) The Attorney General, upon request of a regional board or the state board, shall petition the appropriate court to collect any liability or penalty imposed pursuant to this section. Any person who fails to pay on a timely basis any liability or penalty imposed under this section shall be required to pay, in addition to that liability or penalty, interest, attorney's fees, costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which the failure to pay persists. The nonpayment penalty shall be in an amount equal to 20 percent of the aggregate amount of the person's penalty and nonpayment penalties that are unpaid as of the beginning of the quarter.

(n) (1) Subject to paragraph (2) and Section 1551, funds collected pursuant to this section shall be deposited into the State Water Pollution Cleanup and Abatement Account.

(2) (A) Notwithstanding any other provision of law, moneys collected for a violation of a water quality certification in accordance with paragraph (2) of subdivision (a) or for a violation of Section 401 of the federal Clean Water Act (33 U.S.C. Sec. 1341) in accordance with paragraph (5) of subdivision (a) that are not subject to Section 1551 shall be deposited into the Waste Discharge Permit Fund and separately accounted for in that fund.

(B) The funds described in subparagraph (A) shall be expended by the state board, upon appropriation by the Legislature, to assist regional boards, and other public agencies with authority to clean up waste or abate the effects of the waste, in cleaning up or abating the effects of the waste on waters of the state or for the purposes authorized in Section 13443.

(o) The state board shall continuously report and update information on its internet website. The state board shall report annually on or before December 31 regarding its enforcement activities. The information shall include all of the following:

(1) A compilation of the number of violations of waste discharge requirements in the previous calendar year, including stormwater enforcement violations.

(2) A record of the formal and informal compliance and enforcement actions taken for each violation, including stormwater enforcement actions.

(3) An analysis of the effectiveness of current enforcement policies, including mandatory minimum penalties.

(p) The amendments made to subdivisions (f), (h), (i), and (j) during the second year of the 2001–02 Regular Session apply only to violations that occur on or after January 1, 2003.

SEC. 26. Section 13418 of the Water Code is repealed.

SEC. 27. Section 75507 of the Water Code is amended to read:

75507. (a) "Water year" means the period beginning October 1 of one calendar year and ending September 30 of the following calendar year.

(b) "Current water year" means the water year in which the investigation and report on the ground water conditions of the district is made, the hearing thereon held, and the determination is made by the board as to whether a zone or zones should be established and a ground water charge levied therein.

(c) "Preceding water year" means the water year immediately preceding the current water year.

(d) "Ensuing water year" means the water year immediately following the current water year.

SEC. 28. Any section of Senate Bill 72 enacted by the Legislature during the 2025 calendar year, that takes effect on or before January 1, 2026, and that amends, amends and rennumbers, amends and repeals, adds, repeals and adds, or repeals Section 10004 of the Water Code that is amended by this act, shall prevail over this act, whether that act is chaptered before or after this act.