



To: RCRC Board of Directors
From: Staci Heaton
Regulatory Affairs Advocate
Date: June 14, 2016
Re: California Department of Fish and Wildlife Lake and Streambed Alteration Agreement Fees

Summary

The California Department of Fish and Wildlife (CDFW) has proposed a dramatic fee increase for Lake and Streambed Alteration Agreements to cover the cost of the Lake and Streambed Alteration Program. The proposal has been released for a 45-day comment period with a public hearing scheduled for June 13, 2016.

Background

Under California Fish and Game Code Section 1602, the Lake and Streambed Alteration (LSA) Program requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

- Substantially divert or obstruct the natural flow of any river, stream or lake;
- Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
- Deposit debris, waste or other materials that could pass into any river, stream or lake.

If CDFW determines that the activity may substantially adversely impact existing fish or wildlife resources, the entity is then required to enter into an LSA Agreement to undertake measures necessary to protect fish and wildlife resources during the activity. CDFW also requires entities entering into LSA Agreements to pay a prescribed fee to cover the staff costs for processing and monitoring the Agreement.

Issue

In late April 2016, CDFW issued a proposal to increase LSA Agreement fees by 129 percent, and to also extend LSA fees to marijuana cultivation sites that need remediation. The Initial Statement of Reasons (ISOR) released with the proposal indicated that the main reasons for the drastic increase were the CDFW's inability to require a fee for timber harvesting projects and a decline in revenue since 2006, combined with a 13 percent increase in expenditures on salaries, staff benefits, and operating budgets. Rather than explore methods to increase efficiency within the program, CDFW staff is recommending adoption of the dramatic fee increase.

RCRC has been engaged in discussions on the proposal and will be filing written comments by the June 13, 2016 deadline.

Staff Recommendation

RCRC will continue to update the Board of Directors on the progress of the LSA Agreement fees, including when the fees are finalized or any future opportunities for public input.

Attachment

- CDFW Lake and Streambed Alteration Agreement Fees Notice of Proposed Rulemaking
- RCRC/CSAC Comment on Proposed Rulemaking on Fees for Lake and Streambed Alteration Agreements