

PUBLIC RESOURCES CODE

SECTION 5093.50-5093.70

5093.50. It is the policy of the State of California that certain rivers which possess extraordinary scenic, recreational, fishery, or wildlife values shall be preserved in their free-flowing state, together with their immediate environments, for the benefit and enjoyment of the people of the state. The Legislature declares that such use of these rivers is the highest and most beneficial use and is a reasonable and beneficial use of water within the meaning of Section 2 of Article X of the California Constitution. It is the purpose of this chapter to create a California Wild and Scenic Rivers System to be administered in accordance with the provisions of this chapter.

5093.51. This chapter shall be known as the California Wild and Scenic Rivers Act.

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

- (a) "Secretary" means the Secretary of the Resources Agency.
- (b) "Resources Agency" means the Secretary of the 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 Game.
- (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.

5093.53. Those rivers or segments of rivers included in the system shall be classified as one of the following:

- (a) Wild rivers, which are those rivers or segments of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.
- (b) Scenic rivers, which are those rivers or segments of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.
- (c) Recreational rivers, which are those rivers or segments of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

5093.54. The following rivers and segments thereof are designated as components of the system:

(a) Klamath River. The main stem from 100 yards below Iron Gate Dam to the Pacific Ocean; the Scott River from the mouth of Shackelford Creek west of Fort Jones to the river mouth near Hamburg; the Salmon River from Cecilville Bridge to the river mouth near Somesbar; the North Fork of the Salmon River from the intersection of the river with the south boundary of the Marble Mountain Wilderness Area to the river mouth; Wooley Creek from the western boundary of the Marble Mountain Wilderness Area to its confluence with the Salmon River.

(b) Trinity River. The main stem from 100 yards below Lewiston Dam to the river mouth at Weitchpec; the North Fork of the Trinity from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth at Helena; New River from the intersection of the river with the southern boundary of the Salmon-Trinity Primitive Area downstream to the river mouth near Burnt Ranch; South Fork of the Trinity from the junction of the river with State Highway Route 36 to the river mouth near Salver.

(c) Smith River. The main stem from the confluence of the Middle and South Forks to its mouth at the Pacific Ocean; the Middle Fork from its source about three miles south of Sanger Lake as depicted on 1956 USGS 15' "Preston Peak" topographic map to the middle of Section 7 T17N R5E; the Middle Fork from the middle of Section 7 T17N R5E to the middle of Section 6 T17N R5E; the Middle Fork from the middle of Section 6 T17N R5E to one-half mile upstream from the confluence with Knopki Creek; the Middle Fork from one-half mile upstream from the confluence with Knopki Creek to the confluence with the South Fork; 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; Myrtle Creek, from the middle of Section 28 T17N R1E to the confluence with the Middle Fork; 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; 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; 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; Packsaddle Creek from the eastern boundary of Section 3 T17N R4E to the northern boundary of Section 3 T17N R4E; Packsaddle Creek from the northern boundary of Section 3 T17N R4E to the confluence with the Middle Fork; 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 West Fork Patrick Creek; West Fork Patrick Creek from its source in Section 18 T18N R3E as depicted on 1951 15' "Gasquet" topographic map to the confluence with East Fork Patrick Creek; 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; 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 Middle Fork; 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; Monkey Creek from the northern boundary of Section 26 T18N R3E to the confluence with the Middle Fork; Patrick Creek from the junction of the East and West Forks of Patrick Creek to the confluence with Middle Fork; the North Fork 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; the North Fork from the confluence with an unnamed tributary in northern quarter of Section 5 T18N R2E to the southernmost intersection of eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15' "Gasquet" topographic map; the North Fork from the southern-most intersection of the eastern boundary Section 5 T18N R2E as depicted on 1951 USGS 15' "Gasquet" topographic map to the confluence with Stony Creek; the North Fork from the confluence with Stony Creek to the confluence with the Middle Fork; Diamond Creek from the California-Oregon state boundary to the confluence with High Plateau Creek; Diamond Creek from the confluence with High Plateau Creek to the confluence with the North Fork; 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; 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; North Fork Diamond Creek from the California-Oregon state boundary to the confluence with Diamond Creek; High Plateau Creek from its source in Section 26 T18N R2E as depicted on 1951 USGS 15' "Gasquet" topographic map to northern boundary Section 23 T18N R2E; High Plateau Creek from the

northern boundary Section 23 T18N R2E to the confluence with Diamond Creek; the Siskiyou Fork 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; the Siskiyou Fork from its confluence with the South Siskiyou Fork to the confluence with the Middle Fork; the South Siskiyou Fork from its source about 0.6 miles southwest of Buck Lake as depicted on 1956 USGS 15' "Preston Peak" topographic map to the confluence with the Siskiyou Fork; the South Fork from its source about 0.5 miles southwest of Bear Mountain as depicted on 1956 USGS 15' "Preston Peak" topographic map to Blackhawk Bar; the South Fork from Blackhawk Bar to the confluence with the Middle Fork; 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; Eight Mile Creek from its source in Section 29 T14N R4E as depicted on 1955 USGS 15' "Dillon Mountain" topographic map to the confluence with the South Fork; the Prescott Fork from its source about 0.5 miles southeast of Island Lake as depicted on 1955 USGS 15' "Dillon Mountain" topographic map to the confluence with the South Fork; 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; 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; Jones Creek from the middle of Section 5 T15N R3E to the confluence with the South Fork; 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; 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; 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 Section 14 T16N R2E; Coon Creek from the western boundary Section 14 T16N R2E to the confluence with the South Fork; 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; 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; 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; Canthook Creek from its source in Section 2 T15N R2E as depicted on 1952 USGS 15' "Ship Mountain" topographic map to the confluence with South Fork.

(d) Eel River. The main stem from 100 yards below Van Arsdale Dam to the Pacific Ocean; the South Fork of the Eel from the mouth of Section Four Creek near Branscomb to the river mouth below Weott; Middle Fork of the Eel from the intersection of the river with the southern boundary of the Middle Eel-Yolla Bolly Wilderness Area to the river mouth at Dos Rios; North Fork of the Eel from the Old Gilman Ranch downstream to the river mouth near Ramsey; Van Duzen River from Dinsmores Bridge downstream to the river mouth near Fortuna.

(e) American River. The North Fork from its source to the Iowa Hill Bridge; the Lower American from Nimbus Dam to its junction with the Sacramento River.

(f) (1) West Walker River. The main stem from its source to the confluence with Rock Creek near the town of Walker; Leavitt Creek from Leavitt Falls to the confluence with the main stem of the West Walker River.

(2) Carson River. The East Fork from the Hangman's Bridge crossing of State Highway Route 89 to the California-Nevada border.

(3) The Legislature finds and declares that, because the East Fork Carson River and West Walker River are interstate streams, and a source of agricultural water and domestic water for communities within the counties of Alpine and Mono where they originate, it is necessary that the following special provisions apply:

(A) Nothing in this subdivision shall be construed to prohibit the replacement of diversions or changes in the purpose of use, place of use, or point of diversion under existing water rights, except that (i) no replacement or change shall operate to increase the adverse effect, if any, of the preexisting diversion facility or place or purpose of use, upon the free-flowing condition and natural character of the stream, and (ii) after January 1, 1990, no new diversion shall be constructed unless and until the secretary determines that the facility is needed to supply domestic water to the residents of any county through which the river or segment flows and that the facility will not adversely affect the free-flowing condition and natural character of the stream.

(B) Nothing in this chapter shall be construed as quantifying or otherwise affecting any equitable apportionment, or as establishing

any upper limit, between the State of California and the State of Nevada of the waters of these streams.

(g) (1) The South Yuba River: From Lang Crossing to its confluence with Kentucky Creek below Bridgeport.

(2) Nothing in this subdivision shall prejudice, alter, delay, interfere with, or affect in any way, the existing rights of the Placer County Water Agency, the implementation of those rights; any historic water use practices; the replacement, maintenance, repair, operation, or future expansion of existing diversions, storage, powerhouses, or conveyance facilities or other works by the Placer County Water Agency; or changes in the purpose of use, places of use, points of diversion, or ownership of those existing water rights; nor shall anything in this subdivision preclude the issuance of any governmental authorization needed for utilization of those rights, except that no changes shall operate to increase the adverse effect, if any, of the preexisting facilities or places, or the purposes of use upon the free-flowing and natural character of the river segment designated herein.

(3) This subdivision shall become operative on January 1, 2001.

(h) Albion River. The Albion River from one-fourth mile upstream of its confluence with Deadman Gulch downstream to its mouth at the Pacific Ocean.

(i) Gualala River. The main stem Gualala River from the confluence of the North and South Forks to the Pacific Ocean.

(j) (1) Cache Creek from one-fourth mile below Cache Creek Dam to Camp Haswell.

(2) North Fork Cache Creek from the Highway 20 bridge to the confluence with the mainstem.

(3) The designation of Cache Creek under paragraphs (1) and (2) shall not prejudice, alter, delay, interfere with, or affect in any way, the existing water rights of the Yolo County Flood Control and Water Conservation District, or public water agencies within the Cache Creek watershed lying in the County of Lake, including the range of operations permitted under these existing water rights; any historic water use practices within existing water rights; or the replacement, maintenance, repair, or future expansion within existing water rights of existing diversion, storage, powerhouse, or conveyance facilities or other works by the Yolo County Flood Control and Water Conservation District or public water agencies within the Cache Creek watershed lying in the County of Lake.

(4) The designation of Cache Creek under paragraphs (1) and (2) shall not prejudice, alter, delay, interfere with, or affect any changes to the existing water rights of the Yolo County Flood Control and Water Conservation District, including changes to the purpose of use, place of use, points of diversion, quantity of water diverted, or ownership, or applications by the district for new water rights; provided, that the changes or applications do not involve the construction of a dam, reservoir, diversion, or other water impoundment facility within the segments of Cache Creek designated in paragraphs (1) and (2). Any such change or application shall be subject to all applicable constitutional, statutory, and judicial requirements, including the public trust doctrine.

(5) As the waters of the Cache Creek watershed are the sole source of supply within that watershed for the County of Lake, the designation of Cache Creek under paragraphs (1) and (2) shall not prejudice, alter, delay, interfere with, or affect any changes to the existing water rights of the public water agencies within the Cache Creek watershed lying in the County of Lake, including changes to the purpose of use, place of use, points of diversion, quantity of water diverted, or ownership, or applications by these agencies for new water rights; provided, that the changes or applications do not involve the construction of a dam, reservoir, diversion, or other water impoundment facility within the segments of Cache Creek designated in paragraphs (1) and (2). Any such change or application shall be subject to all applicable constitutional, statutory, and judicial requirements, including the public trust doctrine.

(6) (A) The designation of Cache Creek under paragraphs (1) and (2) shall not impair or affect in any way activities to manage or remove invasive or nonnative plants and animal species.

(B) The designation of Cache Creek under paragraphs (1) and (2) shall not impair or affect in any way activities to remediate mercury pollution; provided, that this activity does not involve the construction of a dam, reservoir, diversion, or other water impoundment facility within the segments of Cache Creek designated in paragraphs (1) and (2).

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

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

(8) To the extent that this subdivision conflicts with other provisions of this chapter, this subdivision shall control.

(k) Other rivers which qualify for inclusion in the system may be recommended to the Legislature by the secretary.

5093.541. (a) Notwithstanding the fact that the tributaries of the Smith River specified in this subdivision are not included in the system, no dam, reservoir, diversion, or other water impoundment facility shall be constructed on any of the following tributaries of the Smith River:

- (1) Dominie Creek.
- (2) Rowdy Creek.
- (3) South Fork Rowdy Creek.
- (4) Savoy Creek.
- (5) Little Mill Creek.
- (6) Bummer Lake Creek.
- (7) East Fork Mill Creek.
- (8) West Branch Mill Creek.
- (9) Rock Creek.
- (10) Goose Creek.
- (11) East Fork Goose Creek.
- (12) Mill Creek.

(b) All state agencies exercising powers under any other provision of law with respect to the protection and restoration of fishery resources shall continue to exercise those powers in a manner to protect and restore fishery resources in the tributaries specified in subdivision (a). In carrying out the provisions of this subdivision, any exercise of powers shall be consistent with the provisions of Section 5093.58.

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) No dam, reservoir, diversion, or other water impoundment facility shall 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; nor shall any such facility be constructed on Squaw Valley 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, no department or agency of the state shall 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) All state agencies exercising powers under any other provision of 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, any exercise of powers shall be consistent with Section 5093.58.

(e) Nothing in this section shall 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.

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 1/2
mile
upstream of the
confluence with
Salmon
River Wild
- (10) Wooley Creek
downstream 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 | |
| (9) | T1N R7E
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 | Scenic |
| (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 | Wild |
| (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 | Scenic |
| (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 | Recreational |
| (13) | The South Fork from
Todd Ranch in
Section
18 T5N R5E to the
confluence with
Main
Trinity | Wild |
| (14) | New River from the
Salmon
Trinity
Primitive Area
boundary to the
junction
with the East Fork
New River in Section
23
T7N R7E | Scenic |
| (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 | Wild |
| (16) | New River from 100
yards below
Panther
Creek Campground in
Section 18 T6N | Recreational |

- 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

- (8) the
Middle Fork Smith
River
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
- (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

- (15) USGS 15' "Gasquet" topographic map to the confluence with the East Fork Patrick Creek
Recreational
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
- (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
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
- (17) Monkey Creek from the northern boundary of Section 26 T18N R3E to the confluence with the Middle Fork of Smith River
Recreational
Patrick Creek from the junction of East and West Forks of Patrick Creek to the confluence with the Middle Fork Smith River
- (18) 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'
- (19)
- (20)

- (21) "Gasquet"
topographic map Wild
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'

- (28) "Crescent City"
topographic map to
the
confluence with the
North Fork Smith
River
North Fork Diamond
Creek from
the
California-Oregon
state boundary to
the
confluence with
Diamond Creek
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
High Plateau Creek
from the
northern
boundary Section 23
T18N R2E to
the
confluence with
Diamond Creek
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
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
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
confluence with the
Siskiyou Fork of
the
Smith River
South Fork Smith
- Recreational
- Recreational
- Recreational
- Recreational
- Wild
- Recreational
- Wild

- 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
- (35) South Fork Smith River from Blackhawk Bar to the confluence with the Middle Fork Smith River Wild
- (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
Van
Arsdale 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 |
| (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
- (g) Van Duzen River: Wild
(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
- (h) Lower American River: The Recreational
Lower Ameri-
can River from
Nimbus Dam to its
junction
with the Sacramento
River
- (i) North Fork American River: Recreational
(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 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
(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 |
| (1) | (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) 1/4 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) 1 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

5093.546. Classification or reclassification of rivers or segments of rivers within the system as wild, scenic, or recreational shall be by statute. The secretary may recommend legislation to classify or reclassify rivers or segments of rivers within the system, and may include specific land use restrictions relative to each particular classification in such recommendations.

5093.547. (a) The secretary shall study and submit to the Governor and the Legislature reports on the suitability or nonsuitability for addition to the system of rivers or segments thereof which are designated by the Legislature as potential additions to the system. The secretary shall report to the Legislature his or her recommendations and proposals with respect to the designation of a river or segment.

(b) Each report, including maps and illustrations, shall show, among other things, the area included within the report, the characteristics which do or do not make the area a worthy addition to

the system, the current status of land ownership and use in the immediate environment, and the reasonably foreseeable potential uses of the land and water which will be enhanced, foreclosed, or curtailed if the river or river segment were included in the system.

5093.55. Other than temporary flood storage facilities permitted pursuant to Section 5093.57, no dam, reservoir, diversion, or other water impoundment facility may be constructed on any river and segment thereof designated in Section 5093.54; nor may a water diversion facility be constructed on the river and segment unless and until the secretary determines that the facility is needed to supply domestic water to the residents of the county or counties through which the river and segment flows, and unless and until the secretary determines that the facility will not adversely affect the free-flowing condition and natural character of the river and segment.

5093.56. No department or agency of the state may assist or cooperate, whether by loan, grant, license, or otherwise, with any department or agency of the federal, state, or local government, in the planning or construction of a dam, reservoir, diversion, or other water impoundment facility that could have an adverse effect on the free-flowing condition and natural character of the river and segments thereof designated in Section 5093.54 as included in the system.

5093.57. Nothing in this chapter shall be construed to prohibit any measures for flood protection, structural or nonstructural, necessary for the protection of lives and property along the Eel River as described in subdivision (d) of Section 5093.54, except for dams, reservoirs, or other water impoundment structures; provided, however, that such measures for flood protection may include facilities for temporary flood storage or flood storage basins on tributaries of the Eel River.

5093.58. This chapter neither diminishes the power of the secretary or any other state or local official or agency under any other statute, nor conveys any authority, express or implied, to the secretary or any state or local agency, commission, board, or official to adopt or implement any interim or permanent order, rule, regulation, guideline, or directive concerning land use regulation.

5093.60. The Resources Agency shall be responsible for coordinating the activities of state agencies whose activities affect the rivers in the system with those of other state, local, and federal agencies with jurisdiction over matters which may affect the rivers.

5093.61. All departments and agencies of the state shall exercise their powers granted under any other provision of law in a manner that protects the free-flowing state of each component of the system and the extraordinary values for which each component was included in the system. All local government agencies shall exercise their powers granted under any other provision of law in a manner consistent with the policy and provisions of this chapter.

5093.62. Nothing in this chapter shall affect the jurisdiction or responsibility of the state with regard to fish, wildlife, or their habitat. Hunting and fishing may be permitted on lands and waters administered as parts of the system under applicable state or federal laws and regulations.

5093.63. Nothing in this chapter shall be construed to permit or require the reservation, use, or taking of private property for scenic, fishery, wildlife, or recreation purposes, for inclusion in the system or for other public use, without just compensation.

5093.64. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

5093.66. (a) The Legislature hereby finds and declares that the enactment of this section is necessary in order to allow extraction and refinement of strategic metals at a site on Gasquet Mountain within the Smith River watershed.

(b) Notwithstanding subdivision (c) of Section 5093.54 or any other provisions of this chapter, Hardscrabble Creek and all of its tributaries, a tributary of the Smith River, are excluded from the system.

(c) Notwithstanding subdivision (a) of Section 5093.58 or any other provision of this chapter, Copper Creek and all of its tributaries, a tributary to the Smith River, located in Sections 26, 27, 28, 34, and 35 of Township 18 North, Range 1 East, within the County of Del Norte, are classified as recreational.

(d) In order to protect extraordinary scenic, recreational, fishery, or wildlife values within one-quarter mile of the north fork of the Smith River located in the County of Del Norte, no mining activity shall be permitted which would result in a significant adverse effect to these values within one-quarter mile of the north fork of the Smith River.

(e) Nothing in this section or Section 5093.67 is intended to modify or limit the regulatory authority of any state agency under any other provision of law.

5093.67. In order to enhance the recreational qualities of rivers where temporary summer recreational dams have been constructed in the past to improve water oriented recreational opportunities for the public, the secretary may authorize the emplacement of temporary impoundments for recreational purposes on portions of rivers included in the system which are classified as recreational, if the secretary finds all of the following:

(a) There has been a history of impoundments at the location for recreational purposes.

(b) The impoundment will not cause an adverse effect on the fishery values of the river.

(c) The impoundment will be removed before it would interfere with anadromous fisheries.

(d) The impoundment will improve the recreational opportunities for the public.

(e) The impoundment will not adversely affect navigation, scenic qualities, and public access.

5093.68. (a) Within the boundaries of special treatment areas adjacent to wild, scenic, or recreational river segments, all of the following provisions shall apply, in addition to any other applicable provision under this chapter or generally, whether by statute or regulation:

(1) A timber operator, whether licensed or not, is responsible for the actions of his or her employees. The registered professional forester who prepares and signs a timber harvesting plan, a timber management plan, or a notice of timber operations is responsible for its contents, but is not responsible for the implementation or execution of the plan or notice unless employed for that purpose.

(2) A registered professional forester preparing a timber harvesting plan shall certify that he or she or a qualified representative has personally inspected the plan area on the ground.

(b) In order to temporarily suspend timber operations that are being conducted within special treatment areas adjacent to wild, scenic, or recreational rivers designated pursuant to Section 5093.54, while judicial remedies are pursued pursuant to this section, an inspecting forest officer of the Department of Forestry and Fire Protection may issue a written timber operations stop order if, upon reasonable cause, the officer determines that a timber operation is being conducted, or is about to be conducted, in violation of Chapter 8 (commencing with Section 4511) of Part 2 of Division 4, or of rules and regulations adopted pursuant to those provisions, and that the violation or threatened violation would

result in imminent and substantial damage to soil, water, or timber resources or to fish and wildlife habitat. A stop order shall apply only to those acts or omissions that are the proximate cause of the violation or that are reasonably foreseen would be the proximate cause of a violation. The stop order shall be effective immediately and throughout the next day.

(c) A supervising forest officer may, after an onsite investigation, extend a stop order issued pursuant to subdivision (b) for up to five days, excluding Saturday and Sunday, if the forest officer finds that the original stop order was issued upon reasonable cause. A stop order shall not be issued or extended for the same act or omission more than one time.

(d) Each stop order shall identify the specific act or omission that constitutes a violation or that, if foreseen, would constitute a violation, the specific timber operation that is to be stopped, and any corrective or mitigative actions that may be required.

(e) The Department of Forestry and Fire Protection may terminate the stop order if the timber operator enters into a written agreement with the department assuring that the timber operator will resume operations in compliance with the provisions of Chapter 8 (commencing with Section 4511) of Part 2 of Division 4, and with the rules and regulations adopted pursuant to those provisions, and will correct any violation. The department may require a reasonable cash deposit or bond payable to the department as a condition of compliance with the agreement.

(f) Notice of the issuance of a stop order or an extension of a stop order shall be deemed to have been made to all persons working on the timber operation when a copy of the written order is delivered to the person in charge of operations at the time that the order is issued or, if no persons are present at that time, by posting a copy of the order conspicuously on the yarder or log loading equipment at a currently active landing on the timber operations site. If no person is present at the site when the order is issued, the issuing forest officer shall deliver a copy of the order to the timber operator either in person or to the operator's address of record prior to the commencement of the next working day.

(g) As used in this section, "forest officer" means a registered professional forester employed by the Department of Forestry and Fire Protection in a civil service classification of forester II or higher grade.

(h) (1) Failure of the timber operator or an employee of the timber operator, after receiving notice pursuant to this section, to comply with a validly issued stop order is a violation of this section and is a misdemeanor punishable by a fine of not less than five hundred dollars (\$500), or by imprisonment for not more than one year in the county jail, or both. The person shall also be subject to civil damages to the state not to exceed ten thousand dollars (\$10,000) for each misdemeanor violation. However, in all cases, the timber operator, and not an employee of the operator or any other person, shall be charged with that violation. Each day or portion thereof that the violation continues shall constitute a new and separate offense.

(2) In determining the penalty for a timber operator guilty of violating a validly issued stop order, the court shall take into consideration all relevant circumstances, including, but not limited to, the following:

(A) The extent of harm to soil, water, or timber resources or to fish and wildlife habitat.

(B) Corrective action, if any, taken by the defendant.

(i) Nothing in this section prevents a timber operator from seeking an alternative writ as prescribed in Chapter 2 (commencing with Section 1084) of Title 1 of Part 3 of the Code of Civil Procedure, or as provided by any other provision of law.

(j) (1) If a timber operator believes that a forest officer lacked reasonable cause to issue or extend a stop order pursuant to this section, the timber operator may present a claim to the Victim Compensation and Government Claims Board pursuant to Part 3 (commencing with Section 900) of Division 3.6 of Title 1 of the Government Code for compensation and damages resulting from the stopping of timber operations.

(2) If the Victim Compensation and Government Claims Board finds that the forest officer lacked reasonable cause to issue or extend the stop order, the board shall award a sum of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), per day for each day the order was in effect.

5093.69. (a) The Resources Agency shall conduct studies specifically funded by the Legislature relative to the condition of the system and may make recommendations to the Legislature for

protection and enhancement of the system.

(b) The director shall conduct studies specifically funded by the Legislature and shall make recommendations relating to all of the following:

(1) The restoration of salmon and steelhead habitat in the system, including measures that can be taken to increase spawning populations, and provide at least 100 miles of reopened spawning and nursery areas each year until the year 1990.

(2) Enforcement requirements necessary to protect the system from fish or wildlife degradation.

(3) Development of information or statistical data necessary to provide the most beneficial management of the fisheries included within the system.

(4) Legislative action deemed necessary to protect the fishery and wildlife values of the system.

5093.70. (a) The Legislature hereby finds and declares all of the following:

(1) Mill Creek and Deer Creek possess extraordinary resources in that they support one of the few remaining viable populations of wild spring-run chinook salmon in the Sacramento-San Joaquin River system. One essential component of the resources provided by these creeks is their exceptional water quality.

(2) Based on a review of comprehensive technical data, the Legislature has determined that potential beneficial uses must be balanced to achieve protection of the unique fishery resources and existing water rights of Mill Creek and Deer Creek in the manner specified in this section. In lieu of including Mill Creek and Deer Creek in the system, the continued management of stream resources in their existing natural condition consistent with the terms of this section represents the best way to protect the unique fishery of Mill Creek and Deer Creek. Maintaining the existing free flowing conditions of Mill Creek and Deer Creek to protect their fisheries is the highest and most beneficial use of the unappropriated waters of Mill Creek and Deer Creek within the segments designated in subdivisions (b) and (c), and is a reasonable use of water within the meaning of Section 2 of Article X of the California Constitution.

(b) No new dam, reservoir, diversion, or other water impoundment facility shall be constructed on Mill Creek from the headwaters of East Sulphur Creek within Section 15 T30N R4E to the United States Geological Survey gauging station in the northeast quarter of the northwest quarter of Section 6 T25N, R1W.

(c) No new dam, reservoir, diversion, or other water impoundment facility shall be constructed on Deer Creek from the headwaters in Section 11 T27N R5E to the United States Geological Survey gauging station in the northwest quarter of the northeast quarter of Section 23 T25N, R1W.

(d) Except for the maintenance of existing flood control facilities and projects by public agencies or private landowners or emergency flood control activities or repairs required due to acts of God, provided that those activities or projects do not interfere with the passage of migrating anadromous fish, no state agency shall 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 conditions of Mill Creek and Deer Creek, or on their wild runs of spring-run chinook salmon.

(e) All state agencies exercising powers under any other provision of law with respect to the protection and restoration of fishery resources shall continue to exercise those powers in a manner that protects and enhances the fishery of the segments designated in subdivisions (b) and (c). In carrying out this subdivision, any exercise of powers shall be consistent with Section 5093.58.

(f) Nothing in this section shall prejudice, alter, affect in any way, delay, or interfere with the implementation or construction of any fishery restoration or improvement project that is authorized, required, or recommended pursuant to the Central Valley Improvement Act (Public Law 102-575) or the Upper Sacramento River Fisheries and Riparian Habitat Management Plan developed pursuant to Chapter 885 of the Statutes of 1986, or of any other fishery restoration or improvement project.

(g) Nothing in this chapter shall prejudice, alter, affect in any way, delay, or interfere with existing water rights; implementation of those rights; historic water use practices; and replacement, maintenance, repair, or operation of diversions and diversion facilities; or changes in the purposes of use, places of use, points of diversion, or ownership of existing water rights, except that no change shall operate to increase the adverse effect, if any, of the

preexisting diversion facility or place or purpose of use upon the
free flowing and natural character of the stream.
