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ROUTE SLIP
STATE OF CALIFORNIA
STD. FORM 118 (REV. 11-69)
△ OSP

DATE

7/5

TO:

Don Livingston

FROM:

Bill Evans

PHONE

FOR ACTION AS INDICATED

- | | | |
|--|---|---|
| <input type="checkbox"/> REPLY—MY SIGNATURE | <input type="checkbox"/> SIGNATURE | <input type="checkbox"/> NOTE AND FORWARD |
| <input type="checkbox"/> REPLY—COPY TO ME | <input type="checkbox"/> APPROVAL | <input type="checkbox"/> NOTE AND FILE |
| <input type="checkbox"/> PLEASE SUMMARIZE | <input type="checkbox"/> ACTION | <input type="checkbox"/> NOTE AND RETURN |
| <input type="checkbox"/> PLEASE INVESTIGATE | <input type="checkbox"/> COMMENTS | <input type="checkbox"/> PLEASE PHONE ME |
| <input type="checkbox"/> FORWARDED PER REQUEST | <input checked="" type="checkbox"/> INFORMATION | <input type="checkbox"/> PLEASE SEE ME |

REMARKS:

*Orig to Ike Livermore
for info*

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California Legislature

Assembly Committee

on

Natural Resources and Conservation

EDWIN L. Z'BERG
CHAIRMAN

December 14, 1972

W. J. P.
O. JAMES PARDAU
PRINCIPAL CONSULTANT

RODERIC D. TUTTLE
CONSULTANT

GWEN MURRILL
SECRETARY

COMMITTEE ADDRESS
ROOM 3132
STATE CAPITOL
SACRAMENTO 95814
TEL.: 445-8368

Honorable Ronald Reagan
Governor, State of California
State Capitol
Sacramento, California

Dear Governor Reagan:

I am deeply disappointed, as I know you are, that our jointly-sponsored Assembly Bill 2376 - the Z'berg-Way Environmental Protection Act of 1972 - failed to pass the Assembly. We concur in your statement that passage of this constructive, broadly-supported, and delicately balanced legislation, which was hammered out during countless hours of hard work essentially by your Assistant Resources Secretary Ford Ford and my Principal Committee Consultant Jim Pardau, indeed would have been a milestone in the history of environmental management in California.

The irony of the situation is that the fatal opposition came not from conservationists - who supported the bill as a realistic, responsible, phased approach to solution of the State's environmental ills in spite of their deep conviction that much stronger, more rapid action is necessary - but from major segments of the business, water, and agricultural communities, who apparently cannot bring themselves to support any change in the environmental status quo, including the minimal reorganization of the State's pollution control efforts contained in AB 2376.

Although in all honesty I must tell you that most environmentalists regard AB 2376 as the minimum-acceptable compromise approach toward reorganization of California's environmental control activities, I would like to suggest that we continue with our good faith negotiations

to determine if there are any areas of additional give and take which might produce a bill we can both support in good conscience in the 1973 Legislature.

To this end I propose that you and I jointly convene a series of meetings of all major groups with an interest in State environmental reorganization, beginning as soon as possible after convening of the 1973 Legislature. The purpose of these discussions - which would include top-level representatives of the State Chamber of Commerce, the California Manufacturers Association, the Metropolitan Water District, the Irrigation Districts Association, the League of California Cities, the County Supervisors Association of California, the Sierra Club, Californians for Environmental Quality, the California Coastal Alliance, the Southern California Association for Tomorrow, and the Planning and Conservation League, for example - would be to review in detail all the provisions of Assembly Bill 2376 with the objective of determining the modifications, if any, which would be acceptable to both business/water/agricultural/local government interests and environmentalists.

As I am sure you are aware, my 1971 State Environmental Quality Board legislation (AB 1056) - which would not only have consolidated and broadened the State's pollution control activities but also would have required the development and enforcement of comprehensive State, regional, and local land use plans - was broadly and enthusiastically supported by citizens throughout the State under the banner of Californians for Environmental Quality. Even the most cynical Capitol observers were surprised when this citizen effort succeeded in gaining sufficient Assembly strength to pass this far-reaching legislation with votes to spare in its first year - a remarkable achievement indeed.

In 1972 this organized citizen effort was concentrated on the highly successful campaign to pass Proposition 20 - the Coast Initiative - an outcome which once again confused the conventional political wisdom.

In 1973 these same highly effective citizen forces clearly would like to pick up where they left off in 1971 - and press for passage of the State Environmental Quality Board legislation.

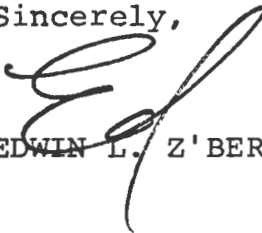
It is my view that none of us - and least of all those who opposed Proposition 20, which was essentially the culmination of many years work by my Natural Resources Committee - should take these citizen volunteers lightly. What they have done once with Proposition 20 they feel they can do again; all they need to take their case to the people is another rejection by the Legislature.

Therefore, it is my best judgment that either we hammer out and pass an acceptable, phased approach to environmental reorganization - which I believe is within our grasp - or accept the fact

that the much tougher comprehensive bill will end up on the ballot. In fact, I have all but decided to parallel our mutual efforts to develop a compromise bill with the re-introduction and consideration of legislation comparable to my 1971 Environmental Quality Board bill.

Thank you for your attention to this important matter. We look forward to meeting with you to discuss any or all aspects of this letter at your convenience. We await your early reply.

Sincerely,



EDWIN L. Z'BERG

ELZ/OJP/hs

cc: Ed Meece
Bill Evans
Ike Livermore
Ford Ford
John Kehoe

Memorandum

Memorandum to Leg Unit

To : Don Livingston

Date : July 21, 1972

Subject : CMA's letter on
AB 2376From : 
Gino Lera

I have reviewed the CMA's letter with Norm Hill and he advises me that two of their objections are items included in the bill at the request of Assemblyman Z'berg and one item was included at the request of Mr. Meese and the Cabinet.

Listed below are the items and their sources:

1. The requirement that the Executive Officer be the administrative head of the organization and serve at the pleasure of the Governor.

This requirement was included in the bill at the request of Mr. Meese and the Cabinet. Any changes should be cleared through Mr. Meese.

(I think CMA's concerns are unfounded because the new Governor would soon have control of the Board anyway so it makes no difference who appoints the Executive Officer.)

2. Changing the name of the Water Quality Boards to Regional Environmental Protection Boards.

The Resources Agency informs me that this was put in at the request of Mr. Z'berg's Administrative Assistant. The Agency would be happier if this were eliminated from the bill, but they can live with it either way.

(I tend to agree with the CMA's comments that changing the names without changing the authority could cause confusion. Also, water region district boundaries would not necessarily conform with environmental regions if they were newly created.

3. The creation of a citizen council to do an in-depth study.

This item was also included at the request of Mr. Z'berg. The Agency feels that it is unnecessary because they could establish such a study council by administrative action and then terminate when the study is completed. However, the agency can live without it as well as with it.

Don Livingston

-2-

7/21/72

(You might consider an alternative if we have to leave the council in by putting in a termination date of when the study is completed.)



CALIFORNIA MANUFACTURERS ASSOCIATION

923 - 12TH STREET - ROOM 300 • SACRAMENTO, CALIFORNIA 95814 • PHONE (916) 443-8107

MAIL ADDRESS:
P.O. BOX 1138
SACRAMENTO CA 95805

July 19, 1972

Mr. Donald Livingston
Office of the Governor
State Capitol
Sacramento, California 95814

Dear Don:

Our objections to AB 2376 are not to the fundamental idea of an environmental board. We have, for two years, had the position that an environmental board at state level is a sound and eventually necessary idea. Eventually, we must have an environmental authority which has the right and duty to determine what can be done; "the least undesirable solution." Without such an agency, we will fall into stasis, with everyone having vetoes, but no one with the power to act. An overall environmental board is the only authority which could have such authority.

Our objection to AB 2376 comes in three general areas: 1) dangerous and possibly divisive power for the Governor, 2) misleading regional organization before full thought, and 3) "in-depth study" by still another appointed citizen council. I will discuss these in turn.

In CMA, we have to take the view that the Governor will not always be a sound conservative. In its present form, the bill gives inordinate power to the Governor. The Chairman serves at the Governor's pleasure. The Water Rights Council consists of three men who serve at the Governor's pleasure. In 1965, the Legislature and Governor agreed that water rights and water quality could

Mr. Donald Livingston
July 19, 1972
Page 2

not be separated and joined them. AB 2376 takes the first step to separate them again and gives men with a judicial function the non-judicial role of serving at the pleasure of the Governor. This board could not function without the services of a highly qualified and dedicated professional staff. AB 2376 puts this staff under the Governor, not the board. This could create administrative chaos with a change of Governors and, at any time, a situation could exist where the board felt that it could not trust its staff. It is difficult enough to properly direct the civil service without giving them strong incentives to insubordination. Environmental decisions are hard enough with full information, without the added difficulty of worrying whether one's own staff is feeding slanted information. Other major regulatory bodies are independant, and properly so. They are subject to checks and balances by both the courts and the Legislature to the extent that either one feels is truly necessary.

Regional environmental control will have to evolve over a considerable period. Only in the Bay Area is there a reasonable coincidence of boundaries between air and water agencies. To title the regional water boards "environmental protection" boards (while not changing their powers) can only cause confusion, both in the public and in the enforcement authorities. Since environmental decisions will have more and more weight on local government decisions, we feel that more evolution is necessary in this area before we find the proper method of regional environmental regulation. The environmental regulators cannot be allowed to completely run local government, so we will have to find some way for environmental considerations to be integrated into local or regional government. We doubt if anyone has yet even given adequate thought to this problem, let alone come up with a solution. So we feel that the problem of local or regional environmental control demands much more in-depth study and experiment.

This leads to our last point: AB 2376 provides for the creation of yet another citizen board to make an

Mr. Donald Livingston
July 19, 1972
Page 3

in-depth study. We wholly concur in the demise of the Environmental Quality Study Council, but see no benefit in the creation of another one with a slightly different title. It is, and has been, our position that major environmental legislation should be developed in the manner of the Porter-Cologne Act. There, a resolution of the Legislature called for a study under the aegis of the Water Board. Every agency, association and branch of government in California which cared about water problems was invited to take part in a true in-depth study and in discussion of proposed drafts. With the time for careful and complete exposition of the views of all protagonists, it was possible to develop a bill which received strong consensus support. Unlike most new major legislation, Porter-Cologne has not needed massive amendment and interpretation in subsequent years. Since the Legislature no longer provides time for significant interim study, this process is even more important.

We have other minor problems with AB 2376, but the foregoing are our major points. In summary, CMA feels that the environmental board is a sound basic concept, that environmental regulators should, like other major regulatory bodies, be independent of the Governor and Legislature; that regional organization of environmental regulation should get much more study, and that "in-depth study" is not a function for another appointed board, but for major legislation, by participation of all organizations and elements of government who care to take part. I would be glad to discuss these points with you or to have our engineer, Bob Burt, go into any of them at greater depth.

Sincerely yours,



T. F. KNIGHT, JR.
Executive Vice President

TFK/dlc

EZ - Ed Zberg
 JZ - T. Zierald
 GE - Bill Evans
 NM - N. Luesmore
 EM - Ed Mece
 RA - Ronald Reason

AB2376
ASSEMBLY
 1972

Assembly
Floor
7-27-72

F
 P
 ?
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Dist	Reconsid.	#	Aye	No	NV	?	Action
26	Arnett	1	A				
71	Badham	1		N ¹			
7	Bagley	12	39		NV	?	BE, EM, RA
78	Barnes	15	35			?	BE, EM, RA, NV 7-25
13	Bee	1		N ²			
2	Belotti	16	44			?	BE, EM, RA, NV 7-25
46	Beverly			N ³			BE, EM, RA, NV 7-25
63	Brathwaite	1	2 A			?	BE, EM, RA, NV 7-25
35	Briggs	18	46			?	BE, EM, RA, NV 7-25
48	Briggs	13	45			?	Abstract 7-25
18	Brown	2		N ⁴			
70	Burke	3		N ⁵			
20	Burton	3		N ⁶			
50	Campbell	2	3 A				
79	Chacon		4 A				
6	Chappie	2		N ⁷			NV 7-25
64	Cline	3	5 A				
54	Collier	5		N ⁸			
57	Conrad	4	6 A				
69	Cory		35		NV	?	BE, EM, RA
14	Crown		7 A				
44	Cullen	1		N ⁹			
1	Davis			N ¹⁰			
77	Dadden		8 A				
10	Dadden	7	42			?	BE, EM, RA, NV 7-25
21	Duly			N ¹¹			
5	Dunlap		9 A				
51	Fenton	6		N ¹²			
15	Fong		10 A				
23	Foran	7		N ¹³			
40	Garcia		11 A		NV		BE, EM, RA
66	Consalves	8		N ¹⁴			CP, RF
53	Greene, B.		12 A				
3	Greene, L.		13 A				
22	Hayden	5	14 A				
39	Hayes	6	15 A				
58	Johnson, B.	9		N ¹⁵			
4	Johnson, B.	14	43			?	BE, EM, RA, NV 7-25
45	Karabian		15 A				
29	Ketchum	7		N ¹⁶			

NV - Non Vote 7-25 (OVER) 1 - 0 No 2 - firm NO
 A, N - Aye, No 7-25 3 - R Aye 3 - firm Aye
 ? - Vulnerable (NV → Aye) 4 - R No 4 - firm No

CP - Carley Porter BF - G.M. Fairbank
 JF - John Forum
 JF₂ - Jack Ferron
 EBW - E. Bay Water
 WB - W. Brown

ASSEMBLY
 1972

7
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Dist	#	Aye	No	NV	?	Action
41	17	A				
11	41				?	GE 7-25
30	13	A				
49	47				?	GE 7-25
47			N ¹⁷			
73	37				?	GE 7-25
37	19	A				
36	20	A				
32	48				?	GE 7-25
25	21	A				
19	22	A				NV 7-25
16	23	A				
17	24	A				
33	9		N ¹⁸			JZ - maybe
12	49				?	GE 7-25
43			N ¹⁹			
42	50				?	GE 7-25 (no)
31	51	A				
65	40				?	GE 7-25
38	10		N ²⁰			
8			N ²¹			
60	26	A				
72	12		N ²²			AP 7-25
55	13		N ²³			WD NV 7-25
62	51				?	GE 7-25
27	7	A				
75	11		N ²⁴			
59	28	A				
28			N ²⁵			
80			N ²⁶			
68			N ²⁷			
67	29	A				AP
24	20	A				NV 7-25
52			N ²⁸			
56	31	A				
61	32	A				
76	33	A				
34	34	A				
9	35	A				

(OVER)

ROUTE SLIP
STATE OF CALIFORNIA
STD. FORM 118 (REV. 11-69)
△ OSP

DATE

TO:

Mr Don Livingston

FROM: THE RESOURCES AGENCY
Office of the Secretary
Rm. 1311 - 1416 9th Street
Sacramento Calif. 95814

PHONE

FOR ACTION AS INDICATED

- | | | |
|--|---|---|
| <input type="checkbox"/> REPLY—MY SIGNATURE | <input type="checkbox"/> SIGNATURE | <input type="checkbox"/> NOTE AND FORWARD |
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| <input type="checkbox"/> FORWARDED PER REQUEST | <input checked="" type="checkbox"/> INFORMATION | <input type="checkbox"/> PLEASE SEE ME |

REMARKS:

NORMAN B. LIVERMORE, JR.
SECRETARY

RONALD REAGAN
GOVERNOR OF
CALIFORNIA

OFFICE OF THE SECRETARY
RESOURCES BUILDING
1416 NINTH STREET
95814

Department of Conservation
Department of Fish and Game
Department of Navigation and
Ocean Development
Department of Parks and Recreation
Department of Water Resources



Air Resources Board
Colorado River Board
San Francisco Bay Conservation and
Development Commission
State Lands Commission
State Reclamation Board
State Water Resources Control Board
Regional Water Quality Control Boards

THE RESOURCES AGENCY OF CALIFORNIA

SACRAMENTO, CALIFORNIA

August 30, 1972

Mr. Willard T. Branson, Chairman
Central Coast Regional Water Quality
Control Board
2238 Broad Street
San Luis Obispo, California 93401

Dear Mr. Branson:

Thank you for your letter of August 18 indicating that you felt that the proposed reorganization would not be detrimental to the functions at the regional board level. I can assure you that we did discuss this in considerable depth with the State Board and felt that they were knowledgeable of and sympathetic to the requirements of the regional boards. It is gratifying that you do concur in this proposal.

We do not yet know what the fate of AB 2376 will be. We do feel strongly that an amalgamation, at least at the State level, of the principal functions of standard setting for the primary pollution control activities of state government is necessary.

Your expression will be most helpful to us as we pursue this issue.

Sincerely,

N. B. Livermore, Jr.
Secretary for Resources

Envis

Senate Bill No. 1285

CHAPTER 761

An act relating to the preparation of detailed waterway management plans, and making an appropriation therefor.

[Approved by Governor September 23, 1971. Filed with Secretary of State September 23, 1971.]

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares as follows:

(a) Chapter 1278 of the Statutes of 1968 directed the Resources Agency to develop the California Protected Waterways Plan toward the conservation of those waterways of the state possessed of extraordinary scenic, fishery, wildlife or recreation values, and to submit the initial elements of the proposed plan to the Governor for transmittal to the Legislature at its 1971 Regular Session.

(b) The initial elements of such plan were prepared and transmitted by the Resources Agency to the Legislature in the report "California Protected Waterways Plan," dated February 1971.

(c) The aforementioned report recommended that detailed protected waterway management plans be prepared for certain waterways of the state in accordance with the intent and provisions of Chapter 1278 of the Statutes of 1968.

(d) There also exists the need for flood control, water conservation, streamflow augmentation, water quality improvement, and fishery enhancement on many of the waterways described in such California Protected Waterway Plan.

(e) It is appropriate that the Resources Agency proceed with the development of detailed waterway management plans, as proposed in its report, and as cited in subdivision (d), and that such planning efforts include, but need not be limited to, the waterways designated in Section 2 of this act.

SEC. 2. The Resources Agency and affected local agencies shall prepare detailed waterway management plans which shall include provisions for necessary and desirable ~~flood control, water conservation,~~ recreation, fish and wildlife ~~preservation and enhancement,~~ water quality protection and enhancement, streamflow augmentation, and free-flowing rivers, segments, or tributaries, for the following waters:

(a) The Klamath River in both California and Oregon, and its tributaries, the Trinity, Salmon, Shasta, and Scott Rivers.

(b) The Smith River in Del Norte County.

- (e) Redwood Creek in Humboldt County.
- (d) Bear River in Humboldt County.
- (c) The Mattole River in Humboldt County.
- (f) The Van Duzen River in Humboldt County.
- (g) The Eel River and major tributaries in Humboldt, Mendocino, and Trinity Counties.
- (h) The Big River, Garcia River, Navarro River, Noyo River, Alder Creek, and Ten-Mile River, all in Mendocino County.
- (i) The Russian River and Gualala River, both in Mendocino and Sonoma Counties.
- (j) Cazadero Creek in Sonoma County.

Sec. 3. The Resources Agency shall apply for federal grant funds to defray the costs of preparing such waterway management plans.

Sec. 4. The sum of fifty thousand dollars (\$50,000) is hereby appropriated from the California Environmental Protection Program Fund to the Resources Agency, commencing July 1, 1972, for expenditure in carrying out the provisions of this act.

CALL Ford & Bke

SB107 - 320,000