

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA



EXECUTIVE ORDER W-159-97

WHEREAS, California's watershed resources including water, fish and wildlife populations and productive agricultural lands represent an important resource contribution to the quality of life in the State; and

WHEREAS, the State of California remains firmly committed to protecting and conserving these resources through multiple species watershed based planning and implementation; and

WHEREAS, the National Marine Fisheries Service (NMFS) has listed the coho salmon as threatened on much of the California coast and NMFS is currently considering listing other anadromous fish, including the steelhead trout as endangered throughout its range in California; and

WHEREAS, such single-purpose regulatory actions may result in significant economic impact without the assurance that any additional conservation and restoration efforts will occur; and

WHEREAS, the state has the statutory responsibility to conserve fish and wildlife resources, including endangered and threatened species, and to ensure water quality within California under the California Environmental Quality Act, the Fish and Game Code, the Porter-Cologne Water Quality Control Act, the Z'berg Nejedly Forest Practice Act and other relevant statutes; and

WHEREAS, the State recognizes that a cooperative effort with the federal government, local governments, landowners, fishery representatives, local groups involved in watershed activities, environmental interests, resource-based businesses, other interested parties and the public is critical to the success of such efforts; and

WHEREAS, the State recognizes the importance of existing regulatory and voluntary conservation activities in protecting and conserving fish and wildlife species and improving water quality, and whereas the State seeks to encourage and support community based watershed efforts; and

WHEREAS, the State has initiated the process for development of a multi-species conservation program for anadromous fish which will lead to significant protection for the species and the development of a cooperative program with NMFS under the federal Endangered Species Act, to allow for the incidental take of Species from otherwise lawful activities consistent with the program; and

WHEREAS, the State through the efforts of the State Water Resources Control Board, Regional Water Quality Control Boards and various other state and local agencies is committed to protection of water quality and watersheds;

NOW, THEREFORE, I PETE WILSON, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately.

1. The **Watershed Protection and Restoration Council (WPRC)** is hereby created. The WPRC will be responsible for providing oversight of State activities aimed at watershed protection and enhancement, including the conservation and restoration of anadromous salmonids in California.

The WPRC shall consist of the following individuals,

Secretary for Resources, who shall serve as Chair  
Secretary for Environmental Protection  
Secretary of Food and Agriculture  
Secretary of Business, Transportation and Housing  
Secretary of Trade and Commerce

The WPRC shall also include the following ex-officio members:

Chair, State Water Resources Control Board  
Chair, Mining and Geology Board  
President, Fish and Game Commission  
Chair, Board of Forestry  
Chair, North Coast Regional Water Quality Control Board  
Chair, Central Valley Regional Water Quality Control Board  
Chair, San Francisco Regional Water Quality Control Board  
Chair, Central Coast Regional Water Quality Control Board

There shall also be a **WPRC Working Group** comprised of the following:

Executive Director, Water Resources Control Board, who shall serve as Chair  
Director, Department of Fish and Game  
Director, Department of Forestry and Fire Protection  
Director, Department of Conservation  
Director, Department of Transportation  
Director, Department of Water Resources  
Director, Department of Pesticide Regulation  
Executive Officer, North Coast Regional Water Quality Control Board  
Executive Officer, Central Valley Regional Water Quality Control Board  
Executive Officer, San Francisco Regional Water Quality Control Board  
Executive Officer, Central Coast Regional Water Quality Control Board

An Executive Director of the WPRC will be appointed and will be responsible for development of a work plan including fiscal and personnel resources necessary to carry out the responsibilities of this Order. The Executive Director will be responsible for the coordination of the activities of the WPRC and the working group.

2. The WPRC will provide regular reports on progress to the Governor, Legislature, stakeholders, and the public.

3. The WPRC shall also be responsible for providing policy direction and oversight of activities conducted pursuant to the Watershed Initiative. any agreement with NMFS relating to anadromous fish and any other similar State multi-agency efforts aimed at providing watershed enhancement and restoration.

4. The WPRC shall develop a Watershed Protection Program, which shall include an Anadromous Salmonid Conservation Element for the purpose of providing conservation efforts necessary to lead to the promulgation of a 4(d) rule by NMFS under the Federal Endangered Species Act.

5. The WPRC will appoint by September 15, 1997 a multi-disciplinary science panel to assist and advise on actions to be taken in development of the Program. The panel shall consist of , but not be limited to the following disciplines:

- Fisheries Biologist
- Resource Economist
- Mining Geologist
- Watershed Hydrologist (Fluvial Geomorphologist)
- Registered Professional Forester
- Certified Range Land Manager
- Ecologist
- Agricultural Management Specialist
- Biometrician
- Soil Scientist
- Water Management Specialist
- UC Cooperative Extension Advisor

6. The WPRC shall create advisory committees by August 15, 1997, comprised of local government representatives, landowners, agricultural organizations, fishery interests, other affected and interested parties and the public as necessary and appropriate. The WPRC shall maximize participation of these individuals and entities in each stage of the process.

7. The WPRC, in consultation with the Science Panel and advisory groups, shall oversee development of the Program, which will include the following:

- A. A comprehensive review of all existing regulatory and non-regulatory efforts in place which protect and conserve anadromous fish and improve water quality, by November 1, 1997.
- B. A comprehensive review of all existing and proposed voluntary conservation efforts on private land in the State which protect and conserve anadromous fish and improve water quality in the State, by November 1, 1997
- C. Compilation of existing studies and other data relating to anadromous fish populations in California, including the scientific basis for these studies, by November 1, 1997.
- D. A list of recommended implementation and monitoring actions that can be undertaken to protect and conserve anadromous fishery resources.

8. Implementation and monitoring of elements of this Program shall be the responsibility of the appropriate agency based on existing statutory and regulatory authorities.

9. State activities in watershed protection and enhancement shall, to the maximum extent feasible, be based on increased coordination of existing state and local authorities, support of community based and voluntary landowner efforts, and other actions as required to preclude federal intervention in the management of California's anadromous fish species.

10. The Chair of the WPRC shall provide the Governor with a report on status of implementation and monitoring relative to the specific recommendations contained in the Program six months after the final list of recommendations is issued.

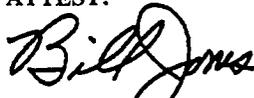
11. The WPRC shall be in existence until January, 1999 unless otherwise extended by Executive Order.

IN WITNESS WHEREOF I have hereunto set my hand  
and caused the Great Seal of the State of California to be  
affixed this 31st day of July 1997.



Governor of California

ATTEST:

  
Secretary of State