

## **Lake and Streambed Alteration Program Fees**

The Department of Fish and Game (DFG) administers the Lake and Streambed Alteration (LSA) Program, which requires an entity to notify DFG of activities that will affect a river, stream or lake, including activities that will substantially divert or obstruct the natural flow of, or substantially change the bed, bank or channel of a river, stream or lake. DFG receives approximately 3,000 notifications annually, and has 30 days to determine whether it is complete. If DFG determines that the described activity may substantially adversely affect an existing fish or wildlife resource, it has 60 days from then to provide the entity a draft LSA that includes measures necessary to protect any resource that may be adversely affected. If the entity accepts the draft LSA, DFG will issue it to the entity, after complying with the California Environmental Quality Act.

DFG asserts jurisdiction under the LSA program over all rivers, streams and lakes, including intermittent and ephemeral streams, desert washes and watercourses with a subsurface flow. Activities that require notification vary considerably across the state, and the protective measures in the agreements are based upon site-specific conditions as opposed to "one-size-fits-all." The increase in California's population and development activity have increased the number and variety of notifications, which increases program costs. However, the current LSA fee schedule, implemented in 2005 and adjusted for inflation in 2010, was designed to recover a negotiated portion of annual program and staff costs based on the level of effort during the 2003-04 fiscal year. This baseline provides sufficient funding for DFG to review approximately 88 percent of the notifications it receives annually. As a result, by law, the remaining 12 percent of notifications proceed as proposed, without LSAs, regardless of impacts or quality of any protective measures.

Constituents have expressed concern regarding DFG's broad jurisdiction, consistency in statewide program implementation, issuance of LSAs within regulatory timelines and the cost of LSA fees. Some constituent groups consistently seek "streamlining" in the form of exemptions or process concessions, which can result in controversy. Another issue is when and how DFG may assert jurisdiction for certain types of agricultural diversions and dams. The relationship between LSA requirements, water rights and other statutes in Fish and Game Code requiring sufficient water for fish are often contentious and largely unresolved.

DFG is working to address constituent concerns and internal program needs. Templates for LSA-related documents that contain standard, compliant language and still allow for area- and project-specific customizations are being developed for distribution statewide. Master agreements for large-scale, multi-phase projects are being negotiated, when appropriate, to eliminate the need for multiple, individual agreements throughout the course of the project. The framework for a compliance monitoring and tracking system has been completed, and a five-year fiscal analysis is under way to ensure appropriate fees are charged. Staff also is developing reference materials for internal and public use that provide technical guidance from subject matter experts in the multiple disciplines, such as hydrology, biology and geology needed to assess the potential environmental impacts from the array of proposed projects DFG reviews.