

## Memorandum 2017-38

**Fish and Game Law: Tentative Recommendation Part 3**

---

In this study, the Commission<sup>1</sup> is developing a proposed recodification of the Fish and Game Code. In its prior work in the study, the Commission has released two tentative recommendations.

The first (“Part 1”) contains the following divisions of a proposed Fish and Wildlife Code:

- Division 1. General Provisions
- Division 2. Administration
- Division 3. Law Enforcement
- Division 4. Inter-Jurisdictional Compacts
- Division 5. Native American Tribes [Reserved]

The second (“Part 2”) contains the following divisions:

- Division 6. Hunting, Trapping, and Fishing Generally
- Division 7. Wildlife Propagation, Domestication, and Possession
- Division 8. Birds
- Division 9. Mammals
- Division 10. Fish
- Division 11. Invertebrates
- Division 12. Amphibians
- Division 13. Reptiles
- Division 14. Plants

This memorandum presents a staff draft of the third tentative recommendation (“Part 3”), which contains the following divisions:

- Division 15. Habitat Conservation and Enhancement
- Division 16. Protected and Managed Areas
- Division 17. Activities that Affect Wildlife

---

<sup>1</sup>. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission’s website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission’s staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

Much of the material in the attached staff draft has already been presented to the Commission as preliminary drafts. Memorandum 2017-17 presented Divisions 15 and 16; Memorandum 2017-29 presented the first two parts of Division 17.

The attached staff draft also includes material that has not previously been presented to the Commission in a preliminary staff draft (Parts 3 through 6 of Division 17). The Commission approved this expedited approach at its June meeting.<sup>2</sup>

The new material is organized as follows:

Part 3. Pollution

Title 1. Water Pollution

Title 2. California Marine Resources Legacy Act

Title 3. Oil Sumps

Title 4. Finances

Part 4. Water Diversion, Obstruction, and Alteration

Title 1. Dams, Conduits, and Screens

Title 2. Diversion of Water From Streams

Title 3. Fish and Wildlife Protection and Conservation

Part 5. Mining

Title 1. Vacuum or Suction Dredging

Title 2. Mining Mitigation Plans

Title 3. Mining in Specific Areas

Part 6. Other Activities

Title 1. Forestry

Title 2. Activities That Affect Watering Places

Title 3. Airports

As usual, Notes in that new material request comment on specific drafting issues.

**The Commission needs to decide whether to approve the attached draft, for circulation as a tentative recommendation, with or without changes.**

Respectfully submitted,

Brian Hebert  
Executive Director

---

2. Minutes (June 2017), p. 6 (“The Commission directed the staff to include the remainder of the Fish and Game Code in a draft of a ‘Part 3’ tentative recommendation, rather than presenting that material first as a preliminary staff draft.”).

# CALIFORNIA LAW REVISION COMMISSION

**STAFF DRAFT**

TENTATIVE RECOMMENDATION

Fish and Wildlife Code Part 3  
(Divisions 15-17)

August 2017

The purpose of this tentative recommendation is to solicit public comment on the Commission's tentative conclusions. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting when the Commission determines what, if any, recommendation it will make to the Legislature. It is just as important to advise the Commission that you approve the tentative recommendation as it is to advise the Commission that you believe revisions should be made to it.

**COMMENTS ON THIS TENTATIVE RECOMMENDATION SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN December 15, 2017.**

The Commission will often substantially revise a proposal in response to comment it receives. Thus, this tentative recommendation is not necessarily the recommendation the Commission will submit to the Legislature.

California Law Revision Commission  
c/o King Hall Law School  
Davis, CA 95616  
650-494-1335  
<commission@clrc.ca.gov>

## SUMMARY OF TENTATIVE RECOMMENDATION

In 2010, the Secretary of the Resources Agency was directed to convene a committee to develop and submit a “strategic vision” for the Fish and Game Commission and the Department of Fish and Game (now the Department of Fish and Wildlife). The resulting report recommended that the Law Revision Commission be tasked with cleaning up the Fish and Game Code.

In response to that report, Senator Fran Pavley and Assembly Member Jared Huffman (the Chairs of the Senate Natural Resources and Water Committee and the Assembly Water, Parks, and Wildlife Committee at that time) requested that the Commission conduct a comprehensive review and clean-up of the Fish and Game Code, noting “the need for a comprehensive, thorough review and updating of the Fish and Game Code, to identify obsolete, inconsistent or duplicative sections, and to provide support for more readily understood and enforceable fish and wildlife regulations.” Authority to conduct that study was granted by concurrent resolution in 2012.

In order to achieve the greatest degree of improvement to the organization and expression of the Fish and Game Code, the Commission decided to prepare a recommendation that would repeal the existing code and replace it with a new Fish and Wildlife Code. The new code would continue the substance of the former code in a more user-friendly form, without making any significant substantive change to the effect of existing law.

This tentative recommendation presents the third part of the proposed Fish and Wildlife Code. It was prepared pursuant to Resolution Chapter 150 of the Statutes of 2016.

## FISH AND WILDLIFE CODE

1 In 2010, the Secretary of the Resources Agency was directed to convene a  
2 committee to develop and submit a “strategic vision” for the Fish and Game  
3 Commission and the Department of Fish and Game (now the Department of Fish  
4 and Wildlife).<sup>1</sup> The resulting report recommended, among other things, that the  
5 Law Revision Commission be tasked with cleaning up the Fish and Game Code.<sup>2</sup>

6 In response to that recommendation, Senator Fran Pavley and Assembly  
7 Member Jared Huffman (the Chairs of the Senate Natural Resources and Water  
8 Committee and the Assembly Water, Parks, and Wildlife Committee at that time)  
9 requested that the Commission conduct a comprehensive review and clean-up of  
10 the Fish and Game Code, noting “the need for a comprehensive, thorough review  
11 and updating of the Fish and Game Code, to identify obsolete, inconsistent or  
12 duplicative sections, and to provide support for more readily understood and  
13 enforceable fish and wildlife regulations.”<sup>3</sup> In 2012, the Legislature directed the  
14 Commission to conduct the requested study:

15 [The] Legislature approves for study by the California Law Revision  
16 Commission the new topic listed below:

17 Whether the Fish and Game Code and related statutory law should be revised to  
18 improve its organization, clarify its meaning, resolve inconsistencies, eliminate  
19 unnecessary or obsolete provisions, standardize terminology, clarify program  
20 authority and funding sources, and make other minor improvements, without  
21 making any significant substantive change to the effect of the law[.]<sup>4</sup>

22 In order to achieve the greatest degree of improvement to the organization and  
23 expression of the Fish and Game Code, the Commission decided to prepare a  
24 recommendation that would repeal the existing code and replace it with a new Fish  
25 and Wildlife Code. The new code would continue the substance of the former code  
26 in a more user-friendly form, without making any significant substantive change to  
27 the effect of existing law.

28 This tentative recommendation presents “Part 3” of the proposed Fish and  
29 Wildlife Code.<sup>5</sup> It includes Divisions 15 through 17 of the proposed code:<sup>6</sup>

---

1. 2010 Cal. Stat. ch. 424.

2. See *California Fish & Wildlife Strategic Vision, Recommendations for Enhancing the State’s Fish and Wildlife Management Agencies*, A13 (April 2012).

3. See Memorandum 2012-5, pp. 22-23.

4. 2012 Cal. Stat. res. ch. 108 (ACR 98 (Wagner)).

5. “Part 1” of the proposed Fish and Wildlife Code was approved by the Commission and circulated for public comment in April 2017.

6. For ease of reference, the tentative recommendation also reprints Division 1 (“General Provisions”) of the proposed Fish and Wildlife Code, which was included in *Tentative Recommendation on Fish and Wildlife Code Part 1 (Divisions 1-4)* (April 2017).

- 1 Division 15. Habitat Conservation and Enhancement
- 2 Division 16. Protected and Managed Areas
- 3 Division 17. Activities that Affect Wildlife

4 The general character and noteworthy features of the tentative recommendation  
5 are discussed below.

## 6 STUDY OBJECTIVES

### 7 **Improve Accessibility of the Law**

8 The primary purpose of this study is to simplify and improve the organization  
9 and expression of the Fish and Game Code, to make it more understandable and  
10 useable, without making any significant substantive changes to the effect of that  
11 law.

12 The Fish and Game Code needs to be understandable to non-experts. Many  
13 laypeople take advantage of the wildlife resources of the state, for recreational or  
14 commercial purposes. Those persons need to be able to understand the code in  
15 order to comply with the law and avoid criminal liability. Ambiguity and  
16 confusion do not promote the public policy goals that the Fish and Game Code  
17 was designed to accomplish.

18 In addition, improvement of the clarity and organization of the Fish and Game  
19 Code would facilitate the future development of the law, by making it easier for  
20 the Legislature to assess the state of existing law and thereby avoid redundancy or  
21 inconsistency in enacting new provisions.

### 22 **Nonsubstantive Reform**

23 The proposed law would improve the organizational clarity of the Fish and  
24 Game Code, as intended. However, there is an important limit on the extent to  
25 which the Commission can make that law clearer, simpler, or better organized. In  
26 authorizing this study, the Legislature specifically prohibited any “significant  
27 substantive change to the effect of the law.”<sup>7</sup>

28 That limitation has been the controlling principle in the preparation of the  
29 proposed law. The Commission has exercised care to ensure that the proposed law  
30 would not result in any significant substantive change in outcome under the  
31 affected statutes.

32 Specific measures taken by the Commission to avoid making any significant  
33 substantive change in the law are described below.

### 34 ***Objective and Participatory Study Process***

35 The Commission’s study process is well-suited to the development of a  
36 nonsubstantive reform of the Fish and Game Code, for the following reasons:

---

7. *Id.*

- 1 • The Commission is neutral and objective, with no special interest in the  
2 subject of fish and game. The Commission has no motivation to introduce  
3 significant substantive changes into fish and game law.
- 4 • The Commission has prior experience in drafting legislation to recodify  
5 complex bodies of law without making any significant substantive change.<sup>8</sup>
- 6 • The Commission’s work is transparent. All materials are publicly  
7 distributed. All deliberations are conducted at open public meetings.
- 8 • The Commission actively solicits input from affected interest groups.  
9 Interim drafts of the proposed law are provided to those groups for review.  
10 Any objection that a change would have a substantive effect is carefully  
11 analyzed and addressed by the Commission.
- 12 • In proposing legislative reform, the Commission prepares a thorough  
13 explanatory report that explains the purpose and effect of the proposed law,  
14 and sets out a complete draft of the proposed legislation, with a detailed  
15 table of contents and a table showing the disposition of every affected  
16 section. This report facilitates public review of the proposed law.

17 ***Commission Comments***

18 In preparing a recommendation, the Commission drafts an explanatory  
19 “Comment” for every section that is added, amended, or repealed.<sup>9</sup> A Comment  
20 indicates the derivation of a section and often explains its purpose, its relation to  
21 other law, and potential issues concerning its meaning or application.

22 For the most part, the Comments in this tentative recommendation state  
23 expressly, for each affected section, that the proposed law is not intended to make  
24 any change to the substance of the affected provision. In the rare instance that a  
25 minor substantive improvement is proposed, it is specifically identified as such.

26 On completion of a final recommendation, the full recommendation, including  
27 the proposed legislation and the Comments, will be presented to the Legislature  
28 and the Governor. If legislation is introduced to effectuate the proposed law, the  
29 full recommendation will be provided to each member of every policy committee  
30 that reviews the legislation.

31 Commission materials that have been placed before and considered by the  
32 Legislature are considered evidence of legislative intent,<sup>10</sup> and are entitled to great

---

8. For example, in 2009 the Commission recommended the nonsubstantive recodification of the deadly weapon statutes, an important and sensitive body of law. See *Nonsubstantive Reorganization of Deadly Weapon Statutes*, 38 Cal. L. Revision Comm’n Reports 217 (2009); enacted as 2010 Cal. Stat. ch. 178, 2010 Cal. Stat. ch. 711.

9. The Comments follow each section of the proposed legislation *infra*.

10. See, e.g., *Fair v. Bakhtiari*, 40 Cal. 4th 189, 195, 147 P.3d 653, 657, 51 Cal. Rptr. 3d 871, 875 (2006) (“The Commission’s official comments are deemed to express the Legislature’s intent.”); *People v. Williams*, 16 Cal. 3d 663, 667-68, 547 P.2d 1000, 128 Cal. Rptr. 888 (1976) (“The official comments of the California Law Revision Commission on the various sections of the Evidence Code are declarative of the intent not only of the draft[ers] of the code but also of the legislators who subsequently enacted it.”).

1 weight in construing statutes.<sup>11</sup> The materials are a key interpretive aid for  
2 practitioners as well as courts,<sup>12</sup> and courts may judicially notice and rely on  
3 them.<sup>13</sup> Courts at all levels of the state<sup>14</sup> and federal<sup>15</sup> judicial systems use  
4 Commission materials to construe statutes enacted on Commission  
5 recommendation.<sup>16</sup>

6 The Commission's Comments will make clear that, with a small number of  
7 specifically identified exceptions, the proposed law should be construed as an  
8 entirely nonsubstantive reorganization of the law.

---

11. See, e.g., *Dep't of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Bd.*, 40 Cal. 4th 1, 12-13 n.9, 145 P.3d 462, 469 n.9, 50 Cal. Rptr. 3d 585, 593 n.9 (2006) (Commission's official comments are persuasive evidence of Legislature's intent); *Hale v. S. Cal. IPA Med. Group, Inc.*, 86 Cal. App. 4th 919, 927, 103 Cal. Rptr. 2d 773, 778 (2001):

In an effort to discern legislative intent, an appellate court is entitled to take judicial notice of the various legislative materials, including committee reports, underlying the enactment of a statute. (*Kern v. County of Imperial* (1990) 226 Cal.App.3d 391, 400, fn. 8, 276 Cal.Rptr. 524; *Coopers & Lybrand v. Superior Court* (1989) 212 Cal.App.3d 524, 535, fn. 7, 260 Cal. Rptr. 713.) In particular, reports and interpretive opinions of the Law Revision Commission are entitled to great weight. (*Schmidt v. Southern Cal. Rapid Transit Dist.* (1993) 14 Cal.App.4th 23, 30, fn. 10, 17 Cal.Rptr.2d 340.)

12. *Cf.* 7 B. Witkin, Summary of California Law *Constitutional Law* § 123, at 230 (10th ed. 2005) (Commission reports as aid to construction); Gaylord, *An Approach to Statutory Construction*, 5 Sw. U. L. Rev. 349, 384 (1973).

13. See, e.g., *Kaufman & Broad Communities, Inc. v. Performance Plastering, Inc.*, 133 Cal. App. 4th 26, 34 Cal. Rptr. 3d 520 (2005) (providing overview of materials that may be judicially noticed in determining legislative intent); *Hale*, 86 Cal. App. 4th at 927; *Barkley v. City of Blue Lake*, 18 Cal. App. 4th 1745, 1751 n.3, 23 Cal. Rptr. 2d 315, 318-19 n.3 (1993).

14. See, e.g., *Sullivan v. Delta Air Lines, Inc.*, 15 Cal. 4th 288, 298, 935 P.2d 781, 63 Cal. Rptr. 2d 74 (1997) (California Supreme Court); *Admin. Mgmt. Services, Inc. v. Fid. & Deposit Co. of Md.*, 129 Cal. App. 3d 484, 488, 181 Cal. Rptr. 141 (1982) (court of appeal); *Rossetto v. Barross*, 90 Cal. App. 4th Supp. 1, 5-6, 110 Cal. Rptr. 2d 255 (2001) (appellate division of superior court).

15. See, e.g., *California v. Green*, 399 U.S. 149, 154 n.3 (1970) (United States Supreme Court); *S. Cal. Bank v. Zimmerman* (*In re Hilde*), 120 F.3d 950, 953 (9th Cir. 1997) (federal court of appeals); *Williams v. Townsend*, 283 F. Supp. 580, 582 (C.D. Cal. 1968) (federal district court); *Ford Consumer Fin. Co. v. McDonell* (*In re McDonell*), 204 B.R. 976, 978-79 (B.A.P. 9th Cir. 1996) (bankruptcy appellate panel); *In re Garrido*, 43 B.R. 289, 292-93 (Bankr. S.D. Cal. 1984) (bankruptcy court).

16. See, e.g., *Jevne v. Superior Court*, 35 Cal. 4th 935, 947, 111 P.3d 954, 962, 28 Cal. Rptr. 3d 685, 694-95 (2005) (Commission report entitled to substantial weight in construing statute); *Collection Bureau of San Jose v. Rumsey*, 24 Cal. 4th 301, 308 & n.6, 6 P.3d 713, 718 & n.6, 99 Cal. Rptr. 2d 792, 797 & n.6 (2000) (Comments to reenacted statute reiterate the clear understanding and intent of original enactment); *Brian W. v. Superior Court*, 20 Cal. 3d 618, 623, 574 P.2d 788, 791, 143 Cal. Rptr. 717, 720 (1978) (Comments persuasive evidence of Legislature's intent); *Volkswagen Pac., Inc. v. City of Los Angeles*, 7 Cal. 3d 48, 61-63, 496 P.2d 1237, 1247-48, 101 Cal. Rptr. 869, 879-80 (1972) (Comments evidence clear legislative intent of law); *Van Arsdale v. Hollinger*, 68 Cal. 2d 245, 249-50, 437 P.2d 508, 511, 66 Cal. Rptr. 20, 23 (1968) (Comments entitled to substantial weight), *overruled on other grounds*, *Privette v. Superior Court*, 5 Cal. 4th 689, 696, 854 P.2d 721, 21 Cal. Rptr. 2d 72 (1993); *County of Los Angeles v. Superior Court*, 62 Cal. 2d 839, 843-44, 402 P.2d 868, 870-71, 44 Cal. Rptr. 796, 798-99 (1965) (statutes reflect policy recommended by Commission).

1 *Statements of Legislative Intent*

2 The proposed law would be known as the Fish and Wildlife Code of 2019.<sup>17</sup> It  
3 would include a number of codified general provisions to expressly state the  
4 purpose and effect of the recodification.

5 Proposed Section 10 would make clear that a provision of the proposed law is  
6 intended as a restatement and continuation of the provision that it restates, and that  
7 any reference to a restated provision is deemed to include a reference to the  
8 section that restates it (and vice versa):

9 10. (a) A provision of this code, insofar as it is substantially the same as a  
10 previously existing provision relating to the same subject matter, shall be  
11 construed as a restatement and continuation thereof, and not as a new enactment.

12 (b) A reference in a statute or regulation to a previously existing provision that  
13 is restated and continued in this code shall, unless a contrary intent appears, be  
14 deemed a reference to the restatement and continuation.

15 (c) A reference in a statute or regulation to a provision of this code that is  
16 substantially the same as a previously existing provision, shall, unless a contrary  
17 intent appears, be deemed to include a reference to the previously existing  
18 provision.

19 In addition, proposed Sections 15 and 20 would make clear that restatement of a  
20 provision is not intended to have any effect, positive or negative, on a judicial  
21 interpretation of the restated provision or a judicial holding regarding the  
22 provision's constitutionality:

23 15. (a) A judicial decision interpreting a provision of the former Fish and Game  
24 Code is relevant in interpreting any provision of this code that restates or  
25 continues that provision of the former Fish and Game Code.

26 (b) However, in enacting the Fish and Wildlife Code of 2019, the Legislature  
27 has not evaluated the correctness of any judicial decision interpreting a provision  
28 of the former Fish and Game Code.

29 (c) The enactment of the Fish and Wildlife Code of 2019 is not intended to, and  
30 does not, reflect any assessment of any judicial decision interpreting any  
31 provision of the former Fish and Game Code.

32 20. (a) A judicial decision determining the constitutionality of a provision of the  
33 former Fish and Game Code is relevant in determining the constitutionality of any  
34 provision of this code that restates or continues that provision of the former Fish  
35 and Game Code.

36 (b) However, in enacting the Fish and Wildlife Code of 2019, the Legislature  
37 has not evaluated the constitutionality of any provision enacted by that act, or the  
38 correctness of any judicial decision determining the constitutionality of any  
39 provision of the former Fish and Game Code.

40 (c) The enactment of the Fish and Wildlife Code of 2019 is not intended to, and  
41 does not, reflect any determination of the constitutionality of any provision  
42 enacted by that act.

---

17. See proposed Section 1(b) *infra*. The title will require adjustment if the proposed legislation is enacted in a different year.

1 Those provisions are particularly important with respect to provisions that were  
2 added by initiative or to effectuate an initiative. The Commission’s  
3 recommendation to continue those provisions without any significant change  
4 should not be construed as acquiescence in any court case construing the  
5 continued provisions or an indication that the Commission has assessed the  
6 constitutionality of the provisions.

7 ***Legislative Process***

8 After the Commission completes its study process and issues a final  
9 recommendation, the proposed law would be scrutinized carefully in the  
10 legislative process. This would serve as a final safeguard against any unintended  
11 substantive change in the law.

12 **DRAFTING APPROACH**

13 **Structure of Proposed Law**

14 As noted above, this tentative recommendation presents the second part of a  
15 proposed Fish and Wildlife Code. Specifically, it includes the following proposed  
16 divisions:

- 17 Division 15. Habitat Conservation and Enhancement
- 18 Division 16. Protected and Managed Areas
- 19 Division 17. Activities that Affect Wildlife

20 The only part of the existing Fish and Game Code that has not yet been included  
21 in a tentative recommendation are the provisions that specifically govern  
22 California Tribes. Those will be addressed later in the Commission’s study.

23 The proposed Fish and Wildlife Code would be organized into five levels:  
24 divisions, parts, titles, chapters, and articles. This provides as much latitude as  
25 possible to group similar provisions together, and then combine similar groupings  
26 into a logical hierarchical structure.

27 This approach complies with the Legislature’s directive to improve the  
28 organization of the Fish and Game Code.<sup>18</sup> It allows for a more coherent and  
29 intuitive organizational structure, which should make it easier for a reader to find  
30 relevant provisions within the statute.

31 **Short, Simple Sections**

32 One common problem in statutory drafting is code sections that are excessively  
33 long. Excessively long sections can obscure relevant details of law, especially if a  
34 single section addresses several different subjects.

---

18. 2016 Cal. Stat. res. ch. 150.

1 A better approach is to divide the law into a larger number of smaller sections,  
2 with each section limited to a single subject. Short sections have numerous  
3 advantages. They enhance readability and understanding of the law, and make it  
4 easier to locate and refer to pertinent material. In contrast to a long section, a short  
5 section can be amended without undue technical difficulties and new material can  
6 be inserted where logically appropriate, facilitating sound development of the law.  
7 The use of short sections is the preferred drafting technique of the California Code  
8 Commission,<sup>19</sup> the Legislature,<sup>20</sup> the Legislative Counsel,<sup>21</sup> and the Law Revision  
9 Commission.<sup>22</sup>

10 For those reasons, the proposed law would divide lengthy sections into shorter  
11 and simpler provisions.

### 12 **Definition of Terms**

13 Under existing law, some definitions are scattered throughout the Fish and  
14 Game Code. Some terms are used with different definitions in different contexts,  
15 or are defined for some uses but not others. This can create uncertainty as to  
16 whether any given term is subject to a statutory definition. That may lead to  
17 misunderstanding of the law. It may also lead to unintended consequences, if the  
18 Legislature uses a defined term without realizing that it would be subject to an  
19 already existing definition.

20 The proposed law would group most of those definitions in a separate part near  
21 the beginning of the proposed law, in alphabetical order. This approach would  
22 make it easier for members of the public, attorneys, judges, and the Legislature to  
23 quickly determine whether a term is subject to a statutory definition. It will also  
24 make it easier for the Legislature to identify and review cases where a single term  
25 has multiple definitions that are similar but not identical, or is defined for some  
26 purposes but not for others. That would facilitate future simplification of the law.

27 Those definitions of general application have already been presented in Parts 1  
28 and 2 of the tentative recommendation, with Notes asking for public comment on  
29 specific issues.

30 **Those definitions are again included in Part 3, but only for reference**  
31 **purposes. The Notes presented in Parts 1 and 2 have been deleted. The**  
32 **Commission is not soliciting any further comment on the definitions at this**  
33 **time.**

---

19. California Code Commission, *Drafting Rules and Principles for Use of California Code Commission Draftsmen*, 1947-48 Report, app. G, at 4.

20. Senate & Assembly Joint Rule 8 (May 14, 2009).

21. Legislative Counsel of California, *Legislative Drafting Manual* 26-28 (1975).

22. Commission Staff Memorandum 76-24 (Feb. 17, 1976); First Supplement to Commission Staff Memorandum 85-64 (May 31, 1985).

1 **Cross-References**

2 The Fish and Game Code contains numerous cross-references. The  
3 reorganization of existing law will require that the existing references be updated  
4 to reflect the numbering of the new code.

5 This tentative recommendation updates cross-references to provisions in this  
6 document, and in Parts 1 and 2.

7 To facilitate review of the cross-reference updates made in this tentative  
8 recommendation, the Commission has provided three tables, located at the end of  
9 the proposed legislation:

- 10 • A “disposition table” that shows, for each provision of existing law that is  
11 included in Parts 1-3 of the tentative recommendation, the proposed  
12 provision that would continue it.
- 13 • A “derivation table” that shows, for each provision proposed in Parts 1-3 of  
14 the tentative recommendation, the provision of existing law that it would  
15 continue.
- 16 • A table showing the new number assigned to each existing Fish and Wildlife  
17 District.

18 **MINOR SUBSTANTIVE IMPROVEMENTS**

19 While the Legislature directed the Commission to avoid making any *significant*  
20 substantive changes to the effect of the law, this leaves open the possibility of  
21 making improvements that would have a de minimis substantive effect. The  
22 Commission has done so sparingly.

23 In Part 3, the Commission made a small number of revisions that were intended  
24 to be technical but that might possibly have a minor substantive effect. Notes  
25 following those provisions describe the changes and invite public comment on  
26 whether the proposed changes would have a problematic substantive effect.<sup>23</sup>

27 **REQUEST FOR PUBLIC COMMENT**

28 The Commission seeks public comment on its tentative recommendation.  
29 Comments supporting the proposed approach are just as important as comments  
30 suggesting changes to that approach or expressing other views.

---

23. See Notes following proposed Sections 56815, 56820, 56825, 59790, 59795, 63000, 71000 *infra*.

## FISH AND WILDLIFE CODE

**Note:** The document that follows contains a proposed recodification of provisions of the existing Fish and Game Code reasonably described by the indicated topical headings.

A draft of an official Commission “Comment” follows each proposed code section in the proposed recodification. Such Comments will be included in any final recommendation. The Comments indicate the source of each recodified code section (or provision within the code section) and describe how the recodified code section or provision compares with prior law. Courts have routinely held that the Commission’s Comments are evidence of legislative intent with regard to any legislation that implements a Commission recommendation. For guidance on the terminology used in Commission Comments, see the Comment following proposed Section 20.

There is a “disposition table” at the end of the proposed recodification. It summarizes, in tabular form, the disposition of every provision of the existing code that has been included in this proposed recodification. If an existing provision would be repealed as unnecessary, the table identifies that provision as “omitted.”

Some code sections in the proposed recodification are followed by a Commission “Note.” Commission Notes are intended to be temporary, and will not be part of the Commission’s final recommendation. **The Notes are intended to flag issues requesting special attention and comment from stakeholders and the general public.**

However, the Commission welcomes public comment on *any* issue relating to the content of the recodification. In addition to comment on the matters raised in Commission Notes, the Commission is particularly interested in comments addressing any of the following matters:

(1) Any inconsistency, obsolescence, ambiguity, or problems relating to program authority and funding, whether revealed *within* a provision of this proposed recodification, or *between* a provision of this recodification and any other provision of law.

(2) Provisions that should have been included in this proposed recodification but were not, or provisions included in this recodification that should be located in a proposed recodification of the existing code to follow.

(3) Technical drafting errors.

Comments should be directed to Brian Hebert at [bhebert@clrc.ca.gov](mailto:bhebert@clrc.ca.gov).

DIVISION 1. GENERAL PROVISIONS .....	1
PART 1. PRELIMINARY PROVISIONS .....	1
§ 1. Code title .....	1
§ 5. Application of part .....	1
§ 10. Restatement and continuation .....	1
§ 15. Judicial decisions.....	2
§ 20. Constitutionality of provisions .....	3
§ 25. Transitional provision .....	3
§ 30. Effect of headings.....	5
§ 35. Reference to specified part of code .....	5
§ 40. Reference to statute includes amendments and additions .....	5
§ 45. Delegation .....	5
§ 50. Use of English in statements and reports .....	5
§ 55. Tenses .....	6
§ 60. Gender .....	6
§ 65. Number .....	6
§ 70. Days .....	6
§ 75. Mailed notice .....	6
§ 80. “Shall” and “may” .....	6

§ 85. Order, rule, and regulation .....	6
§ 90. Possession of animal taken out of state .....	7
§ 95. Animal parts .....	7
PART 2. DEFINITIONS .....	7
§ 200. Application of definitions .....	7
§ 205. “Adaptive management” .....	7
§ 210. “Affix” .....	7
§ 215. “Anadromous fish” .....	7
§ 220. “Angling” .....	8
§ 225. “Aquaculture” .....	8
§ 230. “Bag limit” .....	8
§ 235. “Bait net” .....	8
§ 240. “Beach net” .....	8
§ 245. “Bird” .....	8
§ 250. “Body-gripping trap” .....	9
§ 255. “Bucket trap” .....	9
§ 260. “Buy” .....	9
§ 265. “Bycatch” .....	9
§ 270. “Chumming” .....	9
§ 275. “Closed season” .....	9
§ 280. “Commercial fisherman” .....	9
§ 285. “Commercial fishing entitlement” .....	10
§ 290. “Commercial fishing license” .....	10
§ 295. “Commercial passenger fishing boat” .....	10
§ 300. “Commercial passenger fishing boat owner” .....	10
§ 305. “Commission” .....	10
§ 310. “Commissioner” .....	10
§ 315. “County” .....	11
§ 320. “Credible science” .....	11
§ 325. “Day” .....	11
§ 330. “Deeper nearshore species” .....	11
§ 335. “Department” .....	11
§ 340. “Depressed” .....	11
§ 345. “Director” .....	11
§ 350. “Discards” .....	12
§ 355. “District” .....	12
§ 360. “Ecosystem-based management” .....	12
§ 365. “Essential fishery information” .....	12
§ 370. “Exotic nonresident game bird” .....	12
§ 375. “Finfish” .....	12
§ 380. “Fish” .....	12
§ 385. “Fish importer” .....	13
§ 390. “Fish processor” .....	13
§ 395. “Fish receiver” .....	13
§ 400. “Fish retailer” .....	13
§ 405. “Fish wholesaler” .....	13
§ 410. “Fishery” .....	13
§ 415. “Fully protected amphibian” .....	14
§ 420. “Fully protected bird” .....	14
§ 425. “Fully protected fish” .....	14

§ 430. “Fully protected mammal” .....	15
§ 435. “Fur-bearing mammal” .....	15
§ 440. “Fully protected reptile” .....	15
§ 445. “Game amphibian” .....	15
§ 450. “Game bird” .....	16
§ 455. “Game fish” .....	16
§ 460. “Game mammal” .....	16
§ 465. “Game reptile” .....	16
§ 470. “General trap permit” .....	16
§ 475. “Guide boat” .....	17
§ 480. “Hook” and related terms .....	17
§ 485. “Kelp” .....	17
§ 490. “Korean trap” .....	17
§ 495. “Limited entry fishery” .....	17
§ 500. “Live freshwater bait fish dealer” .....	17
§ 505. “Mammal” .....	18
§ 510. “Marine aquaria collector” .....	18
§ 515. “Marine aquaria receiver” .....	18
§ 520. “Marine finfish aquaculture” .....	18
§ 525. “Marine living resources” .....	18
§ 530. “Marine mammal” .....	18
§ 535. “Master” .....	19
§ 540. “Maximum sustainable yield” .....	19
§ 545. “Migratory game bird” .....	19
§ 550. “Mile” .....	19
§ 555. “Native California trout” .....	19
§ 557. “Native plant” .....	20
§ 560. “Nearshore species” .....	20
§ 565. “Net” .....	20
§ 570. “Nongame bird” .....	20
§ 575. “Nongame mammal” .....	20
§ 580. “Nonresident” .....	20
§ 585. “Oath” .....	21
§ 590. “Ocean ranching” .....	21
§ 595. “Open season” and “season” .....	21
§ 600. “Optimum yield” .....	21
§ 605. “Overfished” .....	21
§ 610. “Overfishing” .....	21
§ 615. “Participants” .....	22
§ 620. “Person” .....	22
§ 625. “Population” .....	22
§ 630. “Pop-up” .....	22
§ 635. “Possession limit” .....	22
§ 640. “Project” .....	22
§ 645. “Purchase” .....	22
§ 650. “Raw fur” .....	23
§ 655. “Recycled water” or “reclaimed water” .....	23
§ 660. “Resident” .....	23
§ 665. “Resident game bird” .....	23
§ 670. “Restricted access” .....	23
§ 675. “Round haul net” .....	24

§ 680. “Sell” .....	24
§ 685. “Set line” .....	24
§ 690. “Set net” .....	24
§ 695. “Signature” or “subscription” .....	24
§ 700. “Slurp gun” .....	24
§ 705. “Spike buck” .....	25
§ 710. “Spiny lobster” .....	25
§ 715. “Sport fishing” .....	25
§ 720. “Spotted fawn” .....	25
§ 725. “Spouse” .....	25
§ 730. “Stamp” .....	25
§ 735. “State” .....	25
§ 740. “State waters” .....	25
§ 745. “Stock” .....	26
§ 750. “Sustainable,” “sustainable use,” and “sustainability” .....	26
§ 755. “Take” .....	26
§ 760. “Transport” .....	26
§ 765. “Trawl net” .....	26
§ 770. “Troll line” .....	26
§ 775. “Upland game bird” .....	26
§ 780. “Vertical fishing line” .....	27
§ 785. “Vessel owner” .....	27
§ 790. “Waters of the state,” “waters of this state” .....	27
§ 795. “Week” .....	27
§ 800. “Wildlife” .....	28
DIVISION 15. HABITAT CONSERVATION AND ENHANCEMENT .....	28
PART 1. GENERAL PROVISIONS .....	28
TITLE 1. CONSERVATION OF WILDLIFE RESOURCES .....	28
§ 54500. “Wildlife” defined .....	28
§ 54505. Policy .....	28
§ 54510. Department jurisdiction .....	29
TITLE 2. CONSERVATION OF AQUATIC RESOURCES .....	29
§ 54525. Policy .....	29
TITLE 3. DEPARTMENT AUTHORITY .....	30
§ 54550. Habitat improvement .....	30
§ 54555. Contracts for habitat improvement .....	30
TITLE 4. SIGNIFICANT NATURAL AREAS .....	31
§ 54575. Findings and declarations .....	31
§ 54580. Identification of wildlife corridors .....	32
§ 54585. Significant Natural Areas Program .....	32
§ 54590. Vegetation mapping standard .....	33
§ 54595. Cooperation with public and private entities .....	34
§ 54600. Voluntary protections .....	35
§ 54605. Disclaimers .....	35
PART 2. HABITAT CONSERVATION AND ENHANCEMENT PROGRAMS .....	36
TITLE 1. WILDLIFE CONSERVATION LAW OF 1947 .....	36
CHAPTER 1. GENERAL PROVISIONS .....	36

§ 54700. Short title .....	36
§ 54705. Definitions .....	36
§ 54710. Policy .....	36
CHAPTER 2. WILDLIFE CONSERVATION BOARD .....	37
Article 1. Administration .....	37
§ 54750. Establishment and composition of board .....	37
§ 54755. Board chair .....	37
§ 54760. Travel expenses .....	37
§ 54765. Participation of legislators .....	38
§ 54770. Interim investigating committee .....	38
Article 2. Powers and Purposes .....	38
§ 54800. Studies .....	38
§ 54805. Determination .....	38
§ 54810. Consideration of greenhouse gas emissions .....	39
§ 54815. Acquisition of property rights .....	39
§ 54820. Acquisition of property for public access .....	40
§ 54825. Notice of intent to acquire property .....	40
§ 54830. Purchase price of acquired property .....	40
§ 54835. Condemnation of wildlife conservation easement .....	41
§ 54840. Farm lands .....	41
§ 54845. Receipt of grants, gifts, donations, and other financial support .....	42
§ 54850. Award of grant or loan .....	42
§ 54855. Construction of facilities .....	42
§ 54860. Purchase of equipment .....	43
§ 54865. Public access to recreational areas .....	43
§ 54870. Proceeds from sale or disposition of fish hatchery .....	43
§ 54875. Wildlife Restoration Fund .....	43
§ 54880. San Francisco Baylands Restoration Program .....	44
§ 54885. Cooperation with federal agencies .....	45
CHAPTER 3. OAK WOODLANDS CONSERVATION ACT .....	45
Article 1. General Provisions .....	45
§ 54900. Short title .....	45
§ 54905. Definitions .....	45
§ 54910. Legislative intent .....	46
§ 54915. Authority to affect local policy or land use decisionmaking .....	46
Article 2. Oak Woodlands Conservation Fund .....	47
§ 54925. Fund established .....	47
§ 54930. Deposits .....	47
§ 54935. Minimum deposit requirement .....	47
§ 54940. Use of funds .....	47
§ 54945. California Forest Legacy Program .....	48
§ 54950. Memorandum of understanding with Department of Forestry and Fire Protection .....	49
§ 54955. Expenditure pursuant to Public Resources Code Section 5096.350(a)(4) .....	49
§ 54960. Grant criteria .....	49
§ 54965. Qualification for grant .....	50
§ 54970. Use of eminent domain .....	51
§ 54975. Use of grant funds by city or county planning department .....	51
TITLE 2. HABITAT RESTORATION AND ENHANCEMENT ACT .....	51
CHAPTER 1. GENERAL PROVISIONS .....	51
§ 55100. Short title .....	51
§ 55105. Definitions .....	51

§ 55110. Effect of title .....	52
§ 55115. Report .....	52
§ 55120. Sunset .....	52
CHAPTER 2. HABITAT RESTORATION AND ENHANCEMENT ACCOUNT .....	53
§ 55150. Creation .....	53
§ 55155. Receipt of funds .....	53
§ 55160. Availability .....	53
CHAPTER 3. PROJECT APPROVAL .....	53
Article 1. Project Not Certified by Water Board .....	53
§ 55200. Request to approve project .....	53
§ 55205. Content of request .....	53
§ 55210. Application fee .....	54
§ 55215. Approval .....	55
§ 55220. Denial .....	55
§ 55225. Notice of completion .....	56
§ 55230. Monitoring report .....	56
Article 2. Project Certified by Water Board .....	56
§ 55300. Request to approve project .....	56
§ 55305. Content of request .....	56
§ 55310. Application fee .....	57
§ 55315. Publication of notice .....	57
§ 55320. Determination of completeness .....	57
§ 55325. Reporting requirements .....	58
Article 3. Approval and Suspension .....	58
§ 55350. Director’s approval .....	58
§ 55355. Notice of suspension .....	58
§ 55360. Objection .....	58
§ 55365. Final decision .....	59
§ 55370. Liability .....	59
TITLE 3. FISH AND WILDLIFE HABITAT ENHANCEMENT ACT OF 1984 .....	59
CHAPTER 1. GENERAL PROVISIONS .....	59
§ 55500. Short title .....	59
§ 55505. Declaration of purpose .....	59
§ 55510. Definitions .....	60
CHAPTER 2. HABITAT ENHANCEMENT PROGRAM .....	60
§ 55525. Appropriation of funds .....	60
§ 55530. Administrative costs of Wildlife Conservation Board .....	61
§ 55535. Administrative costs of State Coastal Conservancy .....	61
§ 55540. Limitations .....	62
§ 55545. Use of funds for specified lands .....	62
§ 55550. Limitations on acquisition of title .....	62
§ 55555. Further limitations on use of funds .....	62
§ 55560. Additional limitations on use of funds .....	63
CHAPTER 3. FISCAL PROVISIONS .....	63
§ 55600. Issuance of bonds .....	63
§ 55605. Collection of revenue to pay principle and interest on bonds .....	64
§ 55610. Appropriation from General Fund .....	64
§ 55615. Fish and Wildlife Habitat Enhancement Fund .....	64
§ 55620. Loan from General Fund .....	64
§ 55625. Special treatment of specified bond proceeds .....	65
§ 55630. Budget bill .....	65

§ 55635. State General Obligation Bond Law .....	66
§ 55640. Wildlife Habitat Enhancement Program Finance Committee .....	66
§ 55645. Deposit of premiums and accrued interest .....	66
§ 55650. Budget appropriation .....	66
§ 55655. Proceeds of bonds not proceeds of taxes .....	67
§ 55660. Severability .....	67
TITLE 4. WILDLIFE AND NATURAL AREAS CONSERVATION PROGRAM .....	67
CHAPTER 1. GENERAL PROVISIONS .....	67
§ 55700. Short title .....	67
§ 55705. Declaration of purpose .....	67
§ 55710. Definitions .....	68
CHAPTER 2. HABITAT CONSERVATION PROGRAM .....	69
§ 55725. Deposits .....	69
§ 55730. Expenditures .....	69
§ 55735. Priorities .....	70
§ 55740. Limitations on use of funds .....	70
§ 55745. Priorities .....	71
§ 55750. Limitation on use of funds .....	71
§ 55755. Further limitation on use of funds .....	71
§ 55760. Additional limitation on use of funds .....	71
§ 55765. Administrative costs of Wildlife Conservation Board .....	71
§ 55770. Staffing .....	72
TITLE 5. CALIFORNIA WILDLIFE PROTECTION ACT OF 1990 .....	72
CHAPTER 1. GENERAL PROVISIONS .....	72
§ 55800. Findings and declarations .....	72
§ 55805. Further findings and declarations .....	73
CHAPTER 2. CALIFORNIA WILDLIFE PROTECTION .....	73
§ 55825. Definitions .....	73
§ 55830. Habitat Conservation Fund .....	74
§ 55835. Continuous appropriations .....	74
§ 55840. Continuous appropriations (contingent operation) .....	75
§ 55845. Priorities .....	76
§ 55850. Expenditure reporting .....	76
§ 55855. Expenditure conditions .....	76
§ 55860. Inability to make specified expenditures .....	77
§ 55865. Use of conservation corps .....	77
§ 55870. Management plan .....	77
§ 55875. Unallocated Account in the Cigarette and Tobacco Products Surtax Fund .....	78
§ 55880. Fund transfers .....	78
§ 55885. Effect of specified provisions .....	79
§ 55890. Land acquisition law .....	79
§ 55895. Application of CEQA .....	80
§ 55900. Public access to acquired lands .....	80
§ 55905. Reappropriation of transferred funds .....	80
TITLE 6. NATIVE SPECIES CONSERVATION AND ENHANCEMENT .....	80
CHAPTER 1. GENERAL PROVISIONS .....	80
§ 56000. Short title .....	80
§ 56005. Findings and declarations .....	80
§ 56010. General policy .....	81
CHAPTER 2. WILDLIFE AREAS .....	81
§ 56025. Comment by licensed hunters .....	81

§ 56030. Areas requiring wildlife area pass or license.....	81
§ 56035. Violation for entry without pass or license .....	82
CHAPTER 3. NATIVE SPECIES CONSERVATION AND ENHANCEMENT ACCOUNT .....	82
§ 56050. Creation of account .....	82
§ 56055. Deposit of funds .....	83
§ 56060. Donor appreciation .....	83
§ 56065. Encouraging donations .....	83
§ 56070. Deposit of fee revenue.....	83
§ 56075. Legislative finding and declaration .....	84
§ 56080. Wildlife area pass .....	84
§ 56085. Native species stamp .....	85
§ 56090. Promotional activity .....	85
CHAPTER 4. ENDANGERED AND RARE FISH, WILDLIFE, AND PLANT SPECIES CONSERVATION AND ENHANCEMENT ACCOUNT .....	85
§ 56100. Creation of account .....	85
§ 56105. Deposit of funds .....	85
§ 56110. Encouraging donations .....	86
TITLE 7. SHARED HABITAT ALLIANCE FOR RECREATIONAL ENHANCEMENT PROGRAM .....	86
CHAPTER 1. GENERAL PROVISIONS .....	86
§ 56200. Legislative intent .....	86
§ 56205. Definitions .....	87
CHAPTER 2. PROGRAM ADMINISTRATION .....	87
§ 56225. Program established .....	87
§ 56230. Implementation.....	87
§ 56235. Priorities .....	88
§ 56240. Grants and agreements .....	88
§ 56245. Landowner agreements .....	88
§ 56250. Limitations on agreements .....	88
§ 56255. Modification or cancellation of agreement .....	89
§ 56260. Landowner protections and remedies .....	89
§ 56265. Waiver of liability .....	89
§ 56270. Regulations .....	89
§ 56275. Enforcement .....	89
§ 56280. Personal information of landowner .....	90
§ 56285. Annual reports .....	90
§ 56290. Application of other law .....	90
CHAPTER 3. FINANCES .....	90
§ 56325. SHARE Account established .....	90
§ 56330. Funding.....	90
§ 56335. Deposit and expenditure .....	91
§ 56340. Reimbursement of other persons and entities .....	91
TITLE 8. ENHANCEMENT AND MANAGEMENT OF FISH AND WILDLIFE AND THEIR HABITAT ON PRIVATE LANDS .....	91
CHAPTER 1. GENERAL PROVISIONS .....	91
§ 56500. Policy .....	91
CHAPTER 2. ESTABLISHMENT AND REGULATION .....	92
§ 56525. License to operate wildlife habitat enhancement and management area .....	92
§ 56530. License application .....	92
§ 56535. Plan and license .....	93
§ 56540. License revocation.....	93

§ 56545. Boundary posting .....	93
§ 56550. Review and reporting .....	93
§ 56555. Regulations .....	94
§ 56560. Application of other license and fee requirements .....	94
CHAPTER 3. EFFECT .....	94
§ 56575. Public access .....	94
§ 56580. Public access roads .....	94
§ 56585. Animal taken in area .....	94
§ 56590. Take of deer .....	95
§ 56595. Hunting during the rut .....	95
TITLE 9. THE CALIFORNIA WATERFOWL HABITAT PROGRAM .....	95
§ 56700. Contract for conservation of waterfowl and habitat .....	95
§ 56705. Contract term and contents .....	96
§ 56710. Recordation of contract .....	96
§ 56715. Renewal of contract .....	97
§ 56720. Modification of terms .....	97
§ 56725. Change in ownership .....	98
§ 56730. Priorities .....	98
§ 56735. Application of Public Contract Code .....	98
§ 56740. California Waterfowl Habitat Preservation Account .....	98
TITLE 10. SALTON SEA RESTORATION .....	99
CHAPTER 1. GENERAL PROVISIONS .....	99
§ 56800. Short title .....	99
§ 56805. Legislative intent .....	99
§ 56810. Findings and declarations .....	99
§ 56815. Definitions .....	100
§ 56820. Effect of article .....	100
§ 56825. Quantification Settlement Agreement .....	101
CHAPTER 2. FINANCES .....	101
§ 56850. Creation and use of Salton Sea Restoration Fund .....	101
§ 56855. Funds appropriated pursuant to Water Code § 79565 .....	101
§ 56860. Deposited funds .....	102
§ 56865. Limitation on use of funds .....	102
CHAPTER 3. SALTON SEA RESTORATION .....	102
§ 56900. Preferred alternative .....	102
§ 56905. Salton Sea Species Conservation Habitat Project .....	103
§ 56910. Secretary responsibilities .....	103
§ 56915. Department of Water Resources restoration efforts .....	104
§ 56920. Department of Water Resources contracts .....	104
§ 56925. Department of Water Resources design-build procurement authority .....	104
§ 56930. Feasibility study .....	104
§ 56935. Local, publicly derived input .....	105
§ 56940. Delay prohibited .....	105
§ 56945. Salton Sea ecosystem .....	105
TITLE 11. INLAND WETLANDS CONSERVATION PROGRAM .....	106
CHAPTER 1. DEFINITIONS .....	106
§ 57000. Application .....	106
§ 57005. “Fund” .....	106
§ 57510. “Board” .....	106
§ 57515. “Inland area” .....	106
§ 57520. “Program” .....	106

§ 57525. “Nonprofit organization” .....	106
CHAPTER 2. THE INLAND WETLANDS CONSERVATION PROGRAM .....	107
§ 57550. Creation .....	107
§ 57555. Administration .....	107
§ 57560. Purpose and goal of program .....	107
§ 57565. Acquisition of interest in land .....	107
§ 57570. Federal surplus land sales .....	107
§ 57575. Land transactions .....	107
§ 57580. Grants and loans .....	108
§ 57585. Lease of nonwetlands habitat for restoration .....	108
§ 57590. Sale of restored habitat .....	108
§ 57595. Grant and loan preferences .....	108
§ 57600. Wetland creation preferences .....	109
§ 57605. Report .....	109
CHAPTER 3. FINANCES .....	109
§ 57625. Inland Wetlands Conservation Fund created.....	109
§ 57630. Deposits .....	109
§ 57635. Use of funds .....	110
§ 57640. Continuous appropriation .....	110
§ 57645. Funding.....	110
§ 57650. Acceptance of financial support .....	110
§ 57655. Surplus funds .....	110
TITLE 12. CALIFORNIA RIPARIAN HABITAT CONSERVATION PROGRAM .....	111
CHAPTER 1. GENERAL PROVISIONS .....	111
§ 57700. Short title .....	111
§ 57705. Findings and declarations .....	111
§ 57710. Primary concern .....	111
CHAPTER 2. ADMINISTRATION .....	112
§ 57725. California Riparian Habitat Conservation Program .....	112
§ 57730. Activities .....	112
§ 57735. Department authority.....	112
§ 57740. Grants .....	113
TITLE 13. ADOPT A LAKE.....	113
§ 57775. Findings and declarations .....	113
§ 57780. Implementation.....	114
PART 3. FINANCES.....	114
TITLE 1. FEDERAL AID IN WILDLIFE RESTORATION ACT .....	114
§ 58000. Expenditures .....	114
§ 58005. Application for grant money .....	114
§ 58010. Description of funded projects and programs .....	115
§ 58015. Consultation with advisory committees .....	115
TITLE 2. FISH AND GAME MITIGATION AND PROTECTION ACCOUNTS .....	115
§ 58050. Establishment of Accounts .....	115
§ 58055. Deposits .....	116
§ 58060. Transfer to another account .....	116
TITLE 3. HABITAT MAINTENANCE ASSESSMENT DISTRICTS .....	117
§ 58075. Short title .....	117
§ 58080. Assessment districts .....	117

---

DIVISION 16. PROTECTED AND MANAGED AREAS .....	117
PART 1. REFUGES .....	117
TITLE 1. REFUGES GENERALLY .....	117
§ 58500. Commission regulation of refuges .....	117
§ 58505. Commission powers .....	118
§ 58515. Enforcement .....	118
§ 58520. Take in refuge.....	118
§ 58525. Application of provisions governing Fish and Wildlife District.....	118
§ 58530. Flight restrictions.....	119
TITLE 2. FISH REFUGES .....	119
CHAPTER 1. FISH REFUGES GENERALLY .....	119
§ 58550. Prohibitions .....	119
§ 58555. Commission control of fish .....	119
CHAPTER 2. SPECIFIC FISH REFUGES .....	120
Article 1. General Provisions .....	120
§ 58600. Described areas .....	120
Article 2. Pacific Grove Marine Gardens Fish Refuge .....	120
§ 58625. Description .....	120
§ 58630. Take of fish within refuge .....	120
TITLE 3. GAME REFUGES .....	121
CHAPTER 1. GAME REFUGES GENERALLY .....	121
§ 58700. Prohibitions .....	121
§ 58705. Take from navigable waters .....	121
§ 58710. Commission control of mammals and birds.....	121
§ 58715. Acquisition of land for game refuge .....	121
§ 58720. Possession of weapon in game refuge.....	122
§ 58725. Possession of bird or mammal in game refuge .....	122
§ 58730. Posted notices .....	123
§ 58735. Management and control .....	123
§ 58740. Education and outreach .....	123
CHAPTER 2. SPECIFIC GAME REFUGES .....	124
Article 1. General Provisions .....	124
§ 58800. Described areas .....	124
Article 2. Game Refuge 1C.....	124
§ 58825. Description .....	124
Article 3. Game Refuge 1F .....	125
§ 58850. Description .....	125
Article 4. Game Refuge 1G.....	125
§ 58875. Description .....	125
Article 5. Game Refuge 1H.....	126
§ 58900. Description .....	126
Article 6. Game Refuge 1I .....	126
§ 58925. Description .....	126
Article 7. Game Refuge 1J .....	127
§ 58950. Description .....	127
Article 8. Game Refuge 1N.....	127
§ 58975. Description .....	127
Article 9. Game Refuge 1P .....	128
§ 59000. Description .....	128
Article 10. Game Refuge 1R.....	128

§ 59025. Description .....	128
Article 11. Game Refuge 1S .....	129
§ 59050. Description .....	129
Article 12. Game Refuge 1V .....	129
§ 59075. Description .....	129
Article 13. Game Refuge 2A .....	130
§ 59100. Description .....	130
Article 14. Game Refuge 3F .....	130
§ 59125. Description .....	130
Article 15. Game Refuge 3G .....	130
§ 59150. Description .....	130
Article 16. Game Refuge 4D .....	131
§ 59175. Description .....	131
§ 59180. Firearm prohibition .....	132
Article 17. Game Refuge 4G .....	132
§ 59200. Description .....	132
Article 18. California Sea Otter Game Refuge .....	133
§ 59225. Description .....	133
§ 59230. Privately owned land .....	133
Article 19. Farallon Islands Game Refuge .....	133
§ 59250. Description .....	133
§ 59255. Regulated activity .....	134
Article 20. Johnsville Game Refuge .....	134
§ 59275. Description .....	134
§ 59280. Firearms and other devices .....	134
§ 59285. Possession .....	135
Article 21. Mount Tamalpais Game Refuge .....	135
§ 59300. Description .....	135
§ 59305. Take by private land owner .....	136
§ 59310. Firearm use by high school militia .....	136
§ 59315. Special rules on take .....	136
Article 22. Preston School of Industry Game Refuge .....	137
§ 59350. Description .....	137
TITLE 4. FISH AND GAME REFUGES .....	137
CHAPTER 1. FISH AND GAME REFUGES GENERALLY .....	137
§ 59400. Fish and game refuge is both a fish refuge and game refuge .....	137
CHAPTER 2. SPECIFIC FISH AND GAME REFUGES .....	137
Article 1. General Provisions .....	137
§ 59425. Described areas .....	137
Article 2. San Francisco Fish and Game Refuge .....	137
§ 59450. Description .....	137
§ 59455. Transport of animals .....	138
§ 59460. Use of land for water supply purposes .....	138
TITLE 5. WATERFOWL REFUGES .....	139
CHAPTER 1. WATERFOWL REFUGES GENERALLY .....	139
§ 59500. Prohibition .....	139
CHAPTER 2. SPECIFIC WATERFOWL REFUGES .....	139
Article 1. General Provisions .....	139
§ 59525. Described areas .....	139
Article 2. San Leandro Waterfowl Refuge .....	139
§ 59550. Description .....	139

TITLE 6. MARINE LIFE REFUGES .....	140
CHAPTER 1. MARINE LIFE REFUGES GENERALLY .....	140
§ 59600. Prohibition .....	140
CHAPTER 2. SPECIFIC MARINE LIFE REFUGES .....	140
Article 1. General Provisions .....	140
§ 59625. Described areas .....	140
Article 2. Bodega Marine Life Refuge.....	140
§ 59650. Description .....	140
§ 59655. Director.....	141
§ 59670. Prohibitions .....	141
§ 59675. University of California .....	141
Article 3. Catalina Marine Science Center Marine Life Refuge.....	141
§ 59700. Description .....	141
§ 59705. Director.....	142
§ 59710. Prohibitions .....	142
§ 59715. Exceptions to prohibitions.....	142
Article 4. City of Encinitas Marine Life Refuge.....	143
§ 59750. Description .....	143
Article 5. Dana Point Marine Life Refuge .....	143
§ 59775. Description .....	143
§ 59780. Director.....	144
§ 59785. Take .....	144
§ 59790. Entry prohibition .....	145
§ 59795. Exceptions to prohibitions.....	145
§ 59800. “Intertidal zone” defined .....	146
Article 6. Doheny Beach Marine Life Refuge .....	146
§ 59825. Description .....	146
§ 59830. Take of fish in refuge .....	146
Article 7. Hopkins Marine Life Refuge .....	147
§ 59850. Description .....	147
§ 59855. Director.....	147
§ 59860. Special prohibition .....	147
§ 59865. Exceptions to prohibition .....	147
Article 8. Irvine Coast Marine Life Refuge .....	148
§ 59900. Description .....	148
§ 59905. Take of fish in refuge .....	148
Article 9. James V. Fitzgerald Marine Reserve .....	149
§ 59925. Description .....	149
§ 59930. Take of fish in refuge .....	149
Article 10. Laguna Beach Marine Life Refuge.....	150
§ 59950. Description .....	150
§ 59955. Take of fish in refuge .....	150
Article 11. Newport Beach Marine Life Refuge.....	151
§ 59975. Description .....	151
§ 59980. Take of fish in refuge .....	151
Article 12. Niguel Marine Life Refuge .....	151
§ 60000. Description .....	151
§ 60005. Take of fish in refuge .....	152
Article 13. Point Fermin Marine Life Refuge.....	152
§ 60025. Description .....	152
§ 60030. Take of fish in refuge .....	152
Article 14. San Diego Marine Life Refuge .....	153

§ 60050. Description .....	153
§ 60055. University of California .....	153
Article 15. South Laguna Beach Marine Life Refuge.....	153
§ 60075. Description .....	153
§ 60080. Take of fish in refuge .....	154
TITLE 7. QUAIL REFUGES .....	154
CHAPTER 1. QUAIL REFUGES GENERALLY .....	154
§ 60200. Prohibition .....	154
CHAPTER 2. SPECIFIC QUAIL REFUGES .....	155
Article 1. General Provisions .....	155
§ 60225. Described areas .....	155
Article 2. Bolinas Quail Refuge.....	155
§ 60250. Description .....	155
TITLE 8. CLAM REFUGES .....	155
CHAPTER 1. CLAM REFUGES GENERALLY .....	155
§ 60300. Prohibition .....	155
CHAPTER 2. SPECIFIC CLAM REFUGES .....	156
§ 60325. Pismo clam bearing beaches .....	156
PART 2. MARINE LIFE PROTECTION ACT .....	156
TITLE 1. GENERAL PROVISIONS .....	156
§ 60400. Short title .....	156
§ 60405. Legislative findings and declarations .....	156
§ 60410. Definitions .....	157
§ 60415. Ocean Protection Council authority .....	158
§ 60420. Consultation with United States Navy .....	159
TITLE 2. PROTECTIONS .....	159
§ 60450. Take of fish in MPA or marine life reserve .....	159
§ 60455. Impact analysis .....	159
TITLE 3. MARINE LIFE PROTECTION PROGRAM.....	159
§ 60475. Marine Life Protection Program .....	159
§ 60480. Program elements .....	160
TITLE 4. MASTER PLAN .....	160
§ 60500. Master plan .....	160
§ 60505. Content of master plan .....	162
§ 60510. Workgroup actions .....	163
§ 60515. Peer review .....	163
§ 60520. Adoption of master plan .....	164
§ 60525. MPA siting .....	164
§ 60530. Petitions of interested persons .....	165
§ 60535. Other authority .....	166
PART 3. MARINE MANAGED AREAS .....	166
§ 60550. Designation, deletion, or modification of marine recreational management areas .....	166
§ 60555. Marine Managed Areas Improvement Act .....	166
PART 4. WILDLIFE MANAGEMENT AREAS, GAME FARMS, AND PUBLIC SHOOTING GROUNDS .....	167
TITLE 1. GENERAL PROVISIONS .....	167
§ 60600. Department powers .....	167

§ 60605. State ownership and regulation .....	167
§ 60610. Acquired property .....	167
TITLE 2. PROTECTIONS .....	168
§ 60625. Unlawful entry upon wildlife management area or public shooting ground.....	168
§ 60630. Regulation of take in public shooting ground .....	168
TITLE 3. OPERATION .....	168
§ 60650. Acquired lands to operate on nonprofit basis .....	168
§ 60655. Multiple recreational use .....	168
§ 60660. Facilities .....	168
§ 60665. Fees for use privileges .....	169
§ 60670. Shooting permits .....	169
§ 60675. Output of state game farm .....	169
§ 60680. Payments to offset local taxes and assessments .....	169
§ 60685. Mosquitos .....	170
PART 5. WILDLIFE AREAS, RANGES, AND RESERVES .....	171
§ 60700. Exchange or sale of property within specified areas .....	171
§ 60705. Mineral rights .....	172
§ 60710. Apiculture in wildlife area.....	172
§ 60715. Lower Sherman Island .....	173
§ 60720. Fish and wildlife enhancement facilities .....	175
PART 6. ECOLOGICAL RESERVES.....	175
TITLE 1. ECOLOGICAL RESERVES GENERALLY .....	175
§ 60750. Legislative declaration .....	175
§ 60755. “Ecological reserve” defined.....	175
§ 60760. Acquisition of property .....	175
§ 60765. Regulation of ecological reserves.....	176
§ 60770. Ownership and regulation of property .....	176
§ 60775. Valid title to acquired property .....	176
§ 60780. Prohibited entry .....	176
§ 60785. Facilities and programs .....	176
§ 60790. Ecological reserves not wildlife management areas.....	177
TITLE 2. SPECIFIC ECOLOGICAL RESERVES .....	177
§ 60850. Upper Newport Bay Ecological Reserve Maintenance and Preservation Fund.....	177
§ 60855. Magnesia Spring Ecological Reserve.....	177
PART 7. PROTECTED SPAWNING AREAS .....	178
§ 60900. Protected spawning areas .....	178
PART 8. WILDERNESS AREAS.....	179
§ 60950. Vehicle prohibition.....	179
§ 60955. Exception to vehicle prohibition .....	179
DIVISION 17. ACTIVITIES THAT AFFECT WILDLIFE .....	180
PART 1. CALIFORNIA ENDANGERED SPECIES ACT .....	180
TITLE 1. GENERAL PROVISIONS .....	180
CHAPTER 1. SHORT TITLE AND LEGISLATIVE FINDINGS .....	180
§ 62000. Short title .....	180
§ 62005. Need for conservation .....	180

§ 62010. General policy .....	181
§ 62015. Scope of required mitigation .....	181
§ 62020. Project approval and alternatives .....	181
§ 62025. Mitigation and enhancement in lieu of infeasible alternatives .....	182
§ 62030. Duty of state entities .....	182
§ 62035. Cooperation of landowners .....	182
CHAPTER 2. DEFINITIONS .....	182
§ 62100. Application .....	182
§ 62105. Candidate species .....	183
§ 62110. Conserve, conserving, and conservation .....	183
§ 62115. Endangered species .....	183
§ 62120. Feasible .....	183
§ 62125. Project .....	184
§ 62130. State lead agency .....	184
§ 62135. Threatened species .....	184
TITLE 2. LISTING OF ENDANGERED AND THREATENED SPECIES .....	184
CHAPTER 1. GENERAL PROVISIONS .....	184
§ 62200. Establishment and maintenance of lists .....	184
§ 62205. Criteria .....	184
§ 62210. Notice of pending actions .....	185
CHAPTER 2. LISTING PROCESS .....	185
Article 1. Petition .....	185
§ 62250. Guidelines .....	185
§ 62255. General content requirements .....	185
§ 62260. Specific content requirements .....	185
§ 62265. Referral of petition to department .....	186
§ 62270. Publication of notice of petition .....	186
§ 62275. Department-initiated petition .....	186
§ 62280. Department evaluation and recommendation .....	187
§ 62285. Public input during evaluation .....	187
§ 62290. Amendment of petition .....	187
Article 2. Public Hearing and Meeting .....	188
§ 62350. Scheduling .....	188
§ 62355. Public hearing .....	188
§ 62360. Closure of public hearing and record .....	188
§ 62365. Reopening administrative record .....	188
§ 62370. Continuation of meeting .....	189
§ 62375. Commission findings .....	190
§ 62380. Notice of acceptance .....	190
Article 3. Department Review .....	190
§ 62400. Review .....	190
§ 62405. Timing .....	191
§ 62410. Draft status review report .....	191
§ 62415. Final report .....	191
§ 62420. Scope of inquiry .....	192
Article 4. Commission Decision .....	192
§ 62450. Meeting .....	192
§ 62455. Public hearing .....	192
§ 62460. Closure of public hearing and record .....	193
§ 62465. Reopening administrative record .....	193
§ 62470. Continuation of meeting .....	193

§ 62475. Commission findings.....	194
§ 62480. Writ of mandate .....	194
§ 62485. Emergency regulation .....	195
Article 5. Ongoing Review .....	195
§ 62500. Five-year review of listed species .....	195
§ 62505. Five-year review of species listed by both Commission and US Department of Interior .....	195
§ 62510. Timing of initial five-year review .....	196
§ 62515. Written report of five-year review results .....	196
§ 62520. Discretionary review .....	196
§ 62525. Triennial report.....	196
TITLE 3. TAKE, IMPORTATION, EXPORTATION, OR SALE .....	197
CHAPTER 1. PROHIBITION .....	197
§ 62600. Take, possession, purchase, or sale .....	197
§ 62605. Candidate species .....	197
CHAPTER 2. GENERAL EXCEPTIONS .....	197
§ 62650. Take for scientific, educational, or management purposes .....	197
§ 62655. Take of fish authorized by specified provisions.....	197
§ 62665. Take of fish authorized by Commission .....	198
§ 62670. Take authorized by department .....	198
§ 62675. Sale of organism by person who possessed it before it was listed .....	198
§ 62680. Possession of animal possessed before it was listed .....	199
CHAPTER 3. INCIDENTAL TAKE .....	199
§ 62700. Incidental take .....	199
§ 62705. Incidental take authorized by federal entity .....	200
CHAPTER 4. RENEWABLE ENERGY .....	201
Article 1. Definitions.....	201
§ 63000. Application .....	201
§ 63005. Desert Renewable Energy Conservation Plan.....	201
§ 63010. Eligible project .....	201
§ 63015. Energy Commission .....	201
Article 2. Mitigation.....	202
§ 63050. Mitigation actions.....	202
§ 63055. Limitation on use of mitigation action .....	202
§ 63065. Interim mitigation strategy .....	203
§ 63070. Effect on specified requirements .....	204
§ 63075. Limitations on specified applicants .....	204
§ 63080. Incorporation of mitigation actions into Desert Renewable Energy Conservation Plan .....	205
Article 3. Implementation .....	205
§ 63100. Funding.....	205
§ 63105. Monitoring use of funds .....	207
§ 63110. Limitation on use of interim mitigation strategy .....	207
§ 63115. Permit application fee.....	207
CHAPTER 5. SURFACE MINING.....	209
§ 63200. Application of chapter .....	209
§ 63205. Limitation on criminal liability .....	209
§ 63210. Newly listed or discovered plant species .....	209
CHAPTER 6. SPECIFIC EXCEPTIONS .....	210
Article 1. Quantification Settlement Agreement.....	210
§ 63300. Take from specified effects of implementation of agreement.....	210

§ 63305. Application of Section 63300 .....	210
§ 63310. Restoration study .....	212
§ 63315. Advisory committee .....	214
§ 63320. No exemption from other laws .....	215
§ 63325. Related assessment by Resources Agency .....	215
Article 2. Chinook Salmon .....	215
§ 63350. Findings and declarations .....	215
§ 63355. Enhancement of survival permit .....	216
§ 63360. Experimental population .....	217
Article 3. Rough Sculpin .....	218
§ 63400. Spring Creek Bridge .....	218
Article 4. Threespine Stickleback .....	218
§ 63450. Bouquet Creek .....	218
§ 63455. Metropolitan Water District of Southern California water supply facility .....	219
Article 5. Limestone Salamander .....	221
§ 63500. Ferguson Slide Permanent Restoration Project .....	221
CHAPTER 7. PERMIT APPLICATION FEE .....	222
§ 63600. Definitions .....	222
§ 63605. Collection and use of fee .....	223
§ 63610. Timing .....	223
§ 63615. Fee amounts .....	224
§ 63620. Adjustment of fee amount .....	225
§ 63625. Additional fee to cover costs .....	225
§ 63630. Periodic review of fee amount .....	225
§ 63635. Endangered Species Permitting Account .....	225
§ 63640. Article XIII B of the California Constitution .....	225
TITLE 4. AGRICULTURE .....	226
CHAPTER 1. GENERAL PROVISIONS .....	226
§ 63700. Accidental take in the course of lawful agricultural activities .....	226
§ 63705. Routine and ongoing agricultural activities .....	226
§ 63710. Application to take of fish species .....	226
§ 63715. Application to timber harvesting .....	226
§ 63720. Nonregulatory guidelines .....	226
CHAPTER 2. VOLUNTARY PROGRAM .....	227
§ 63750. Authorization of voluntary programs .....	227
§ 63755. Program requirements .....	227
§ 63760. Take occurring while management practices followed .....	227
§ 63765. Renewal of programs .....	228
§ 63770. Report on program effects .....	228
§ 63775. Nonrenewal or modification of program .....	228
§ 63780. Educational outreach by nonprofit entity .....	228
TITLE 5. CALIFORNIA STATE SAFE HARBOR AGREEMENT PROGRAM ACT .....	229
CHAPTER 1. GENERAL PROVISIONS .....	229
§ 63900. Short title .....	229
§ 63905. Findings .....	229
§ 63910. Definitions .....	230
§ 63915. Purpose and effect .....	231
§ 63920. Regulations .....	231
§ 63925. List of qualified persons and program administrators .....	231
§ 63930. Federal safe harbor agreement .....	231
§ 63935. Sunset date .....	232

CHAPTER 2. SAFE HARBOR AGREEMENT .....	232
Article 1. Permissible take .....	232
§ 63950. Department authorization of otherwise prohibited take .....	232
§ 63955. Owens pupfish .....	233
Article 2. Agreement.....	233
§ 64000. Information to be submitted by landowner .....	233
§ 64005. Treatment of proprietary information .....	234
§ 64010. Department access to land or water proposed for enrollment .....	234
§ 64015. Alteration or modification of enrolled property .....	235
§ 64020. Advance notice of specified matters .....	235
§ 64025. Department access to land after receiving notice .....	235
§ 64030. Conveyance of enrolled land or water.....	236
§ 64035. Agreement amendment .....	236
§ 64040. Suspension or revocation of agreement .....	236
§ 64045. Liability .....	237
§ 64050. Neighboring landowner .....	237
TITLE 6. FUNDING.....	239
§ 64100. Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account .....	239
TITLE 7. ENFORCEMENT .....	239
§ 64150. Penalty for violation of part .....	239
§ 64155. Penalty for violation of specified provisions.....	239
§ 64160. Deposit of fines and forfeitures .....	239
PART 2. PLANNING AND MITIGATION .....	240
TITLE 1. GENERAL PROVISIONS .....	240
§ 64400. Planning and environmental compliance division .....	240
TITLE 2. NATURAL COMMUNITY CONSERVATION PLANNING ACT .....	240
CHAPTER 1. GENERAL PROVISIONS .....	240
§ 64500. Short title .....	240
§ 64505. Findings and declarations .....	240
§ 64510. Further findings and declarations .....	242
§ 64515. Definitions .....	242
§ 64520. Regulations .....	244
§ 64525. Nonregulatory guidelines .....	244
§ 64530. Department compensation .....	244
CHAPTER 2. PLANNING .....	244
§ 64550. Authority to undertake planning .....	244
§ 64555. Cooperative agreement to conduct planning .....	244
§ 64560. Agreement requirements .....	245
§ 64565. Implementation agreement .....	246
§ 64570. Public participation in plan development and review .....	247
§ 64575. Public review prior to approval .....	248
§ 64580. Plan approval.....	248
§ 64585. Approval of agreement not a “project” .....	249
CHAPTER 3. IMPLEMENTATION .....	249
§ 64600. Department actions .....	249
§ 64605. Authorized take .....	250
§ 64610. Assurances .....	250
§ 64615. No effect on application of CEQA .....	251
§ 64620. CEQA analysis .....	251

§ 64625. Data and reports available for public review .....	251
§ 64630. Use of conservation corps .....	252
§ 64635. Injunctive relief .....	252
§ 64640. Suspension of take or revocation of permit .....	252
§ 64645. Breach of proportionality between take and conservation .....	252
§ 64650. Local government authority to acquire land or water .....	252
§ 64655. Effect on take in specified circumstances .....	253
§ 64660. San Diego dedication of open space .....	254
<b>TITLE 3. ADVANCE MITIGATION AND REGIONAL CONSERVATION INVESTMENT</b>	
<b>STRATEGIES</b> .....	255
<b>CHAPTER 1. GENERAL PROVISIONS</b> .....	255
Article 1. Legislative Findings and Intent .....	255
§ 64700. Findings and declarations .....	255
§ 64705. Legislative intent .....	256
Article 2. Definitions .....	256
§ 64710. Application .....	256
§ 64715. Administrative draft natural community conservation plan .....	256
§ 64720. Areas of conservation emphasis .....	256
§ 64725. Compensatory mitigation .....	256
§ 64730. Conservation action .....	257
§ 64735. Conservation easement .....	257
§ 64740. Focal species .....	257
§ 64745. Habitat enhancement action .....	257
§ 64750. Performance-based milestones .....	257
§ 64755. Performance standards .....	258
§ 64760. Permanently protect .....	258
§ 64765. Regional conservation assessment .....	258
§ 64770. Regional conservation investment strategy .....	258
§ 64775. Regional level .....	259
§ 64780. Sensitive species .....	259
Article 3. Implementation and Scope .....	259
§ 64800. Guidelines .....	259
§ 64805. Fees .....	259
§ 64810. Limitations .....	259
§ 64815. Report to Legislature .....	260
§ 64820. Effect on specified statutes .....	260
<b>CHAPTER 2. REGIONAL CONSERVATION ASSESSMENT</b> .....	260
§ 64850. Voluntary .....	260
§ 64855. Proposal and approval .....	260
§ 64860. Requirements .....	261
<b>CHAPTER 3. REGIONAL CONSERVATION INVESTMENT STRATEGY</b> .....	262
Article 1. Regional Conservation Investment Strategy Generally .....	262
§ 64900. Purpose .....	262
§ 64905. Voluntary .....	262
§ 64910. Content .....	262
§ 64915. Considerations .....	264
§ 64920. Incorporation of regional conservation assessment .....	264
§ 64925. Format .....	264
§ 64930. Consistent metrics .....	264
§ 64935. Proposal and approval .....	265
Article 2. Procedure .....	265

§ 64960. Notice of intent .....	265
§ 64965. Department review and acceptance of draft .....	265
§ 64970. Public meeting and comment .....	266
§ 64975. Notice of meeting .....	266
§ 64980. Notice of final draft .....	267
§ 64985. Department review of final draft .....	267
§ 64990. Limitation on department rejection .....	267
§ 64995. Internet publication .....	267
§ 65000. Duration .....	267
Article 3. Effect .....	268
§ 65050. Effect on public agencies .....	268
§ 65055. Effect on other processes .....	268
§ 65060. Effect on project proponent .....	269
CHAPTER 4. MITIGATION CREDITS .....	270
§ 65100. Creation .....	270
§ 65105. Requirements .....	270
§ 65110. Use of mitigation credits .....	271
§ 65115. Long-term durability of enhancement action .....	271
§ 65120. Mitigation credit agreement .....	271
§ 65125. Creation process .....	272
§ 65130. Project that quantifiably exceeds compensatory mitigation requirements .....	274
§ 65135. Release of mitigation credits .....	275
§ 65140. Effect on conservation bank or mitigation bank .....	276
§ 65145. Application to natural community conservation plan .....	276
§ 65150. Application to Delta water conveyance facilities .....	276
§ 65155. Internet publication .....	276
TITLE 4. CONSERVATION BANK AND MITIGATION BANK APPLICATIONS AND FEES .....	277
CHAPTER 1. GENERAL PROVISIONS .....	277
Article 1. Findings and Declarations .....	277
§ 65300. Findings and declarations .....	277
Article 2. Definitions .....	278
§ 65305. Application .....	278
§ 65310. Bank .....	278
§ 65315. Bank enabling instrument .....	278
§ 65320. Bank sponsor .....	279
§ 65325. Conservation bank .....	279
§ 65330. Conservation easement .....	279
§ 65335. Mitigation bank .....	279
§ 65340. Person .....	280
§ 65345. Prospectus .....	280
Article 3. Scope .....	280
§ 65400. Submissions prior to January 1, 2013 .....	280
CHAPTER 2. APPLICATION PROCEDURE .....	280
Article 1. Prospectus .....	280
§ 65450. Optional draft prospectus .....	280
§ 65455. Submission .....	281
§ 65460. Review .....	282
§ 65465. Decision .....	282
§ 65470. Guidelines .....	282
Article 2. Bank Agreement Package .....	283

§ 65500. Submission .....	283
§ 65505. Content .....	283
§ 65510. Fee .....	284
§ 65515. Review .....	284
§ 65520. Request for supplemental information .....	284
§ 65525. Changes proposed by applicant during review .....	285
§ 65530. Extension of time for review .....	285
§ 65535. Resubmission after negative determination .....	285
Article 3. Bank Amendment .....	285
§ 65550. Submission .....	285
§ 65555. Review .....	286
§ 65560. Fee amount .....	286
§ 65565. Payment of fee .....	287
§ 65570. Decision .....	287
§ 65575. Request for supplemental information .....	288
§ 65580. Changes proposed by applicant during review .....	288
§ 65585. Extension of time .....	288
§ 65590. Extension of time .....	289
§ 65600. Resubmission after negative determination .....	289
CHAPTER 3. IMPLEMENTATION .....	289
§ 65650. General approval requirement .....	289
§ 65655. Compliance review .....	289
§ 65660. Database .....	289
§ 65665. Annual report .....	290
§ 65670. Implementation and compliance fees .....	290
§ 65675. Fee adjustment .....	291
§ 65680. Deposit of fees .....	291
§ 65685. Guidelines .....	291
§ 65690. Reimbursement of costs .....	291
TITLE 5. SACRAMENTO-SAN JOAQUIN VALLEY WETLANDS MITIGATION BANK ACT OF 1993 .....	292
CHAPTER 1. GENERAL PROVISIONS .....	292
Article 1. Short Title .....	292
§ 65800. Short title .....	292
Article 2. Findings, Declarations, and Intent .....	292
§ 65805. Findings and declarations .....	292
§ 65810. Legislative intent .....	294
§ 65815. Purpose .....	294
§ 65820. Goal .....	294
Article 3. Definitions .....	294
§ 65850. Application .....	294
§ 65855. Bank site or mitigation bank site .....	294
§ 65860. Credit .....	294
§ 65865. Operator .....	295
§ 65870. Permittee .....	295
§ 65875. Qualifying urban area .....	295
§ 65880. Sacramento-San Joaquin Valley .....	296
CHAPTER 2. WETLANDS MITIGATION BANKS .....	296
§ 65950. Standards and criteria .....	296
§ 65955. Ricelands .....	296
§ 65960. Application .....	297

§ 65965. Determination is “project” .....	297
§ 65970. Memorandum of understanding .....	297
§ 65975. Content of memorandum of understanding .....	298
§ 65980. Payment to county .....	298
CHAPTER 3. WETLANDS .....	299
§ 66050. Creation of wetland or vernal pool .....	299
§ 66055. Determination and classification of wetlands .....	299
§ 66060. Pricing and costs .....	300
§ 66065. Reimbursement of department expenses .....	300
CHAPTER 4. DISCHARGE INTO WETLANDS .....	300
§ 66100. Compensation .....	300
§ 66105. Conditions on compensation .....	301
§ 66110. Permittee obligations .....	301
§ 66115. Last date for qualification of bank sites .....	301
TITLE 6. PROJECT FEES .....	301
§ 66200. Fee to defray costs .....	301
§ 66205. CEQA filing fee .....	302
§ 66210. Exceptions to CEQA filing fee .....	302
§ 66215. Fee amount .....	302
§ 66220. County clerk .....	303
§ 66225. Remittance of fee .....	303
§ 66230. Nonpayment .....	304
§ 66235. Number of fees per project .....	304
§ 66240. Effect on specified department duties .....	304
§ 66245. Coastal Commission permit process .....	304
§ 66250. Federal agencies .....	305
PART 3. POLLUTION .....	306
TITLE 1. WATER POLLUTION .....	306
CHAPTER 1. PROHIBITIONS .....	306
Article 1. Contaminants .....	306
§ 66500. Prohibition .....	306
§ 66505. Exception .....	306
§ 66510. Affirmative defense .....	307
Article 2. Refuse .....	307
§ 66525. Prohibition .....	307
CHAPTER 2. ENFORCEMENT .....	308
Article 1. Civil Action .....	308
§ 66550. Civil penalty for water pollution .....	308
§ 66555. Additional penalty based on volume of discharge .....	308
§ 66565. Limitation on application of civil penalty .....	309
§ 66570. Apportionment of penalty .....	309
§ 66575. Civil action .....	309
Article 2. Criminal Enforcement .....	310
§ 66600. Base penalty .....	310
§ 66605. Additional penalty .....	310
CHAPTER 3. CLEAN-UP .....	311
§ 66700. Continuing pollution .....	311
§ 66705. Responsible party obligations .....	311
§ 66710. Department clean-up of petroleum products .....	312
§ 66715. Civil liability for damages and clean-up costs .....	313

CHAPTER 4. FISHING CLOSURE .....	313
§ 66800. Closure .....	313
§ 66805. Assessment of closure .....	314
§ 66810. Immediate reopening .....	315
§ 66820. Expedited testing .....	315
§ 66825. Assessment of fish aboard vessel in closed area .....	315
§ 66830. Action in response to OEHHA assessment .....	315
§ 66835. Consultation with affected groups .....	316
§ 66840. Reimbursement of costs .....	316
TITLE 2. CALIFORNIA MARINE RESOURCES LEGACY ACT .....	316
CHAPTER 1. GENERAL PROVISIONS .....	316
Article 1. Preliminary Provisions .....	316
§ 67000. Short title .....	316
§ 67005. Findings and declarations .....	317
§ 67010. Definitions .....	318
§ 67015. No limitation of other authority or duties .....	319
Article 2. Program Generally .....	319
§ 67050. Nature of program .....	319
§ 67055. Application approval .....	319
§ 67060. Funding .....	319
§ 67065. Proposal for partial removal is a project .....	320
§ 67070. No limitation on liability .....	320
§ 67075. Partial removal is not mitigation .....	320
§ 67080. Regulation .....	321
CHAPTER 2. PARTIAL REMOVAL OF OFFSHORE OIL STRUCTURES .....	321
Article 1. Application .....	321
§ 67100. Application generally .....	321
§ 67105. Application content .....	321
§ 67110. Application completeness .....	322
§ 67115. Financial assurances .....	322
§ 67120. Startup costs .....	323
§ 67125. Environmental review .....	323
Article 2. Determination of Net Benefit .....	323
§ 67150. Council determination of net benefit .....	323
§ 67155. Establishment of criteria .....	323
§ 67160. Making the determination .....	324
§ 67165. Specified benefits excluded from determination .....	324
§ 67170. Assistance of other entities .....	325
§ 67175. Finality of determination .....	325
§ 67180. Timeliness .....	325
Article 3. Determination of Cost Savings .....	325
§ 67200. Commission determination .....	325
§ 67205. Assistance of other entities .....	325
§ 67210. Consideration of government entity estimates .....	326
§ 67215. Duties of applicant .....	326
§ 67220. Finality of determination .....	326
§ 67225. Timeliness .....	326
Article 4. Application Approval .....	326
§ 67250. Department responsibilities .....	326
§ 67255. Standards for granting conditional approval .....	327
§ 67260. Conditional approval .....	328



§ 68310. Water flow .....	341
§ 68315. Fishing in impounded waters .....	342
§ 68320. Liability limitation .....	342
Article 2. Requirements for Existing Dams .....	342
§ 68400. Department examination of dams .....	342
§ 68405. Required fishway .....	342
§ 68410. Additional structures .....	343
Article 3. Requirements for New and Enlarged Dams .....	343
§ 68500. Application to build or enlarge dam .....	343
§ 68505. Initial determination of necessity .....	343
§ 68510. Hearing .....	343
§ 68515. Deposition of witnesses in hearing .....	343
§ 68520. Notice of fishway requirement .....	344
Article 4. Requirements in District 2560 .....	344
§ 68600. Dams constructed in District 2560 .....	344
§ 68605. Release of water from dam in District 2560 .....	344
Article 5. Alternatives .....	345
§ 68650. Hatchery in lieu of fishway .....	345
§ 68655. Hatchery size and location .....	345
§ 68660. Provision of electricity to hatchery .....	345
§ 68665. Use of water to operate hatchery .....	345
§ 68670. Fish planting in lieu of fishway or hatchery .....	345
§ 68675. Sale of fish to be planted .....	346
CHAPTER 4. CONDUITS AND SCREENS: DIVERSIONS OVER 250 CUBIC FEET PER SECOND .....	346
Article 1. General provisions .....	346
§ 68800. Application of title .....	346
Article 2. Screen Requirements .....	347
§ 68850. General requirement .....	347
§ 68855. Content of order .....	347
§ 68860. Duty to install and maintain screen .....	347
§ 68865. Acceptance .....	347
§ 68870. Inefficient screen .....	348
§ 68875. Department election to install screen .....	348
Article 3. Costs .....	349
§ 68900. Department contribution .....	349
§ 68905. Additional contribution .....	349
§ 68910. Return of surplus contribution .....	349
§ 68915. Source of funds .....	349
§ 68920. Contribution exception .....	349
§ 68925. Screen standards .....	350
§ 68930. Cost agreement .....	350
CHAPTER 5. CONDUITS AND SCREENS: DIVERSIONS OF 250 CUBIC FEET PER SECOND OR LESS .....	351
Article 1. General Provisions .....	351
§ 69000. Application of title .....	351
Article 2. Screen or Bypass Requirements .....	351
§ 69050. General requirement .....	351
§ 69055. Screen standards .....	352
§ 69060. Sufficient water for bypass .....	352
§ 69065. Written notice and agreement .....	352
§ 69070. Disagreement .....	353

§ 69075. Duty to maintain screen or bypass .....	353
§ 69080. Temporary removal or closure .....	353
§ 69085. Source of funds .....	354
CHAPTER 6. SPECIFIC AREAS .....	354
Article 1. Isabella Dam .....	354
§ 69200. Isabella Dam .....	354
Article 2. Klamath River Fish and Wildlife District (Division 2670) .....	354
§ 69250. Prohibition .....	354
TITLE 2. DIVERSION OF WATER FROM STREAMS .....	355
CHAPTER 1. DIVERSION DELETERIOUS TO SALMON OR STEELHEAD .....	355
§ 69500. Diversion deleterious to salmon or steelhead .....	355
§ 69505. Notice of determination .....	355
§ 69510. Provision of information to owner .....	356
§ 69515. Department approval requirement .....	356
CHAPTER 2. ENFORCEMENT OF WATER CODE PROVISIONS .....	356
§ 69550. Violations deleterious to fish and wildlife .....	356
TITLE 3. FISH AND WILDLIFE PROTECTION AND CONSERVATION .....	357
CHAPTER 1. GENERAL PROVISIONS .....	357
§ 69700. Findings and declarations .....	357
§ 69705. Definitions .....	357
§ 69710. Violation of chapter .....	357
§ 69715. Extension of time .....	357
§ 69720. Agreements governed by former law .....	357
CHAPTER 2. PROHIBITION AND AGREEMENTS .....	358
Article 1. General Prohibition .....	358
§ 69750. General prohibition and exception .....	358
Article 2. Agreement Process .....	359
§ 69775. Information provided to entity submitting notification .....	359
§ 69780. Fees .....	360
§ 69785. Fee payment prior to processing notification .....	360
§ 69790. Suspension of process .....	360
§ 69795. Draft agreement .....	361
§ 69800. Prohibited conditions .....	361
§ 69805. Response to draft agreement .....	361
§ 69810. Failure to respond to draft agreement .....	361
§ 69815. Work required by court order, administrative order, or notice .....	361
Article 3. Duration and Extension .....	362
§ 69850. Default maximum term .....	362
§ 69855. Extension of agreement .....	362
§ 69860. Maximum extension .....	362
§ 69865. Continuation pending resolution of extension request .....	362
§ 69870. Failure to submit timely extension request .....	363
§ 69875. Long-term agreements .....	363
§ 69880. Long-term agreement log .....	364
§ 69885. Suspension or revocation of agreement .....	364
Article 4. Arbitration Panel .....	365
§ 70050. Appointment of panel .....	365
§ 70055. Composition of panel .....	365
§ 70060. Authority of panel .....	365
§ 70065. Decision .....	365
§ 70070. Expenses .....	366

§ 70075. Court review .....	366
Article 5. Exceptions and Special Rules for Specific Activities .....	366
§ 70150. Emergency exception .....	366
§ 70155. Water supply, drainage, flood control, water treatment .....	367
§ 70160. Timber harvest plan as notification .....	367
§ 70165. Licensed cannabis cultivation .....	368
§ 70170. Area agreement regarding cannabis cultivation .....	369
CHAPTER 3. ENFORCEMENT .....	370
Article 1. Civil Action .....	370
§ 70250. Civil penalty .....	370
§ 70255. Civil action .....	370
§ 70260. Apportionment of civil penalties .....	371
Article 2. Criminal Enforcement .....	371
§ 70275. Repeat violation of specified provisions .....	371
 PART 5. MINING .....	 372
TITLE 1. VACUUM OR SUCTION DREDGING .....	372
CHAPTER 1. GENERAL PROVISIONS .....	372
§ 71000. Definitions .....	372
§ 71005. Exception for recreational mining .....	372
§ 71010. Regulations .....	372
CHAPTER 2. PROHIBITIONS AND REQUIREMENTS .....	373
§ 71050. General prohibition .....	373
§ 71055. Geographic limitations .....	373
§ 71060. Unanticipated water level change .....	373
§ 71065. Unlawful possession of equipment .....	373
§ 71070. Unpermitted use a misdemeanor .....	374
§ 71075. Equipment inspection .....	374
CHAPTER 3. PERMITS .....	374
Article 1. Application and Issuance .....	374
§ 71200. Permit application .....	374
§ 71205. Issuance of permit .....	375
§ 71255. Permit fees .....	375
§ 71260. Other limitations .....	376
Article 2. Environmental Impact Report .....	376
§ 71280. Moratorium and regulation review .....	376
TITLE 2. MINING MITIGATION PLANS .....	377
§ 71500. Submission of plan .....	377
§ 71505. Plan is site-specific .....	378
§ 71510. Criteria for approval .....	378
§ 71515. Public review and comment .....	378
§ 71520. Monthly reports .....	379
§ 71525. Monitoring and evaluation .....	379
§ 71530. Reimbursement of department costs .....	379
TITLE 3. MINING IN SPECIFIC AREAS .....	379
CHAPTER 1. TRINITY AND KLAMATH RIVER FISH AND WILDLIFE DISTRICT (DISTRICT 2675) .....	379
Article 1. General Provisions .....	379
§ 71700. No affect on other laws .....	379
§ 71705. No limitation of authority of specified entities .....	379
§ 71710. No application to specified federal activities .....	380

Article 2. Prohibitions .....	380
§ 71750. Mining operations generally .....	380
§ 71755. Contaminants .....	380
§ 71760. Hydraulic mining .....	380
§ 71765. Public nuisance .....	381
PART 6. OTHER ACTIVITIES .....	382
TITLE 1. FORESTRY AND AGRICULTURE .....	382
CHAPTER 1. TIMBER HARVEST PLANS .....	382
§ 72000. Department review .....	382
CHAPTER 2. CANNABIS CULTIVATION .....	382
§ 72200. Findings and Declarations .....	382
§ 72205. Watershed enforcement program .....	383
§ 72210. Multiagency task force .....	383
§ 72215. Regulations .....	383
TITLE 2. ACTIVITIES THAT AFFECT WATERING PLACES .....	383
§ 72500. Prohibition of activities that affect watering places .....	383
TITLE 3. AIRPORTS .....	384
CHAPTER 1. MANAGEMENT OF WILDLIFE AT PUBLIC USE AIRPORTS .....	384
§ 72800. Statement of policy .....	384
§ 72805. Recognition of federal requirements .....	384
§ 72810. Federal actions not a violation of this code .....	384
§ 72815. Limitation of authorized take .....	385
§ 72820. Monitoring of authority and compliance .....	385
§ 72825. Reimbursement of costs .....	385
DISPOSITION OF FORMER LAW .....	387
DERIVATION OF PROPOSED LAW .....	421
DISTRICT RENUMBERING .....	453



1                                    DIVISION 1. GENERAL PROVISIONS

2                                    PART 1. PRELIMINARY PROVISIONS

3    **§ 1. Code title**

4        1. (a) This code shall be known as the Fish and Wildlife Code.

5        (b) The act that added this code shall be known and may be cited as the “Fish  
6 and Wildlife Code of 2019.”

7        **Comment.** Subdivision (a) of Section 1 is comparable to former Fish and Game Code Section  
8 1.

9        Subdivision (b) is new. It provides a convenient means of referring to the recodification of the  
10 former Fish and Game Code.

11    **§ 5. Application of part**

12        5. Unless the provision or context otherwise requires, the provisions of this part  
13 govern the construction of this code.

14        **Comment.** Section 5 is new. It is a common general provision in the codes. See, e.g., Prob.  
15 Code § 6.

16    **§ 10. Restatement and continuation**

17        10. (a) A provision of this code, insofar as it is substantially the same as a  
18 previously existing provision relating to the same subject matter, shall be  
19 construed as a restatement and continuation thereof, and not as a new enactment.

20        (b) A reference in a statute or regulation to a previously existing provision that is  
21 restated and continued in this code shall, unless a contrary intent appears, be  
22 deemed a reference to the restatement and continuation.

23        (c) A reference in a statute or regulation to a provision of this code that is  
24 substantially the same as a previously existing provision, shall, unless a contrary  
25 intent appears, be deemed to include a reference to the previously existing  
26 provision.

27        **Comment.** Subdivision (a) of Section 10 continues the first sentence of former Fish and Game  
28 Code Section 3 without substantive change.

29        Subdivision (b) is drawn from Government Code Section 9604.

30        Subdivision (c) is drawn from Family Code Section 2.

31        A number of terms and phrases are used in the Comments to the sections of the Fish and  
32 Wildlife Code to indicate the sources of the sections, and to describe how they compare with  
33 prior law. The following discussion is intended to provide guidance in interpreting the  
34 terminology most commonly used in the Comments.

35        (1) *Continues without change.* A new provision “continues” a former provision “without  
36 change” if the two provisions are identical or nearly so. In some cases, there may be insignificant  
37 technical differences, such as where punctuation is changed without a change in meaning. Some  
38 Comments may describe the relationship by simply stating that the Fish and Wildlife Code  
39 provision “continues” or is “the same as” a former provision, or is “the same as” a provision of a  
40 uniform act.

1 (2) *Continues without substantive change.* A new provision “continues” a former provision  
2 “without substantive change” if the substantive law remains the same but the language differs to  
3 an insignificant degree.

4 (3) *Restates without substantive change.* A new provision “restates” a former provision  
5 “without substantive change” if the substantive law remains the same but the language differs to a  
6 significant degree. Some Comments may describe the new provision as being the “same in  
7 substance.”

8 (4) *Exceptions, additions, omissions.* If part of a former provision is “continued” or “restated,”  
9 the Comment may say that the former provision is continued or restated but also note the specific  
10 differences as “exceptions to,” “additions to,” or “omissions from” the former provision.

11 (5) *Generalizes, broadens, restates in general terms.* A new provision may be described as  
12 “generalizing,” “broadening,” or “restating in general terms” a provision of prior law. This  
13 description means that a limited rule has been expanded to cover a broader class of cases.

14 (6) *Supersedes, replaces.* A provision “supersedes” or “replaces” a former provision if the new  
15 provision deals with the same subject as the former provision but treats it in a significantly  
16 different manner.

17 (7) *New.* A provision is described as “new” when it has no direct source in prior statutes.

18 (8) *Drawn from, similar to, consistent with.* A variety of terms are used to indicate a source for  
19 a new provision, typically a source other than California statutes. For example, a provision may  
20 be “drawn from” a uniform act, model code, or the statutes of another state. In these cases, it may  
21 be useful to consult any available commentary or interpretation of the source from which the new  
22 provision is drawn for background information.

23 (9) *Codifies.* A Comment may state that a new provision “codifies” a case-law rule that has not  
24 previously been enacted into statutory law.

25 (10) *Makes clear, clarifies.* A new provision may be described as “making clear” a particular  
26 rule or “clarifying” a rule as a way of emphasizing the rule, particularly if the situation under  
27 prior law was doubtful or contradictory.

28 (11) *Statement in Comment that section is “comparable” to another section.* A Comment may  
29 state that a provision is “comparable” to another provision. If the Comment to a section notes that  
30 another section is “comparable,” that does not mean that the other section is the same or  
31 substantially the same. The statement is included in the Comment so that the statute user is  
32 alerted to the other section and can review the cases under that section for possible use in  
33 interpreting the section containing the statement in the Comment.

## 34 § 15. Judicial decisions

35 15. (a) A judicial decision interpreting a provision of the former Fish and Game  
36 Code is relevant in interpreting any provision of this code that restates or  
37 continues that provision of the former Fish and Game Code.

38 (b) However, in enacting the Fish and Wildlife Code of 2019, the Legislature  
39 has not evaluated the correctness of any judicial decision interpreting a provision  
40 of the former Fish and Game Code.

41 (c) The enactment of the Fish and Wildlife Code of 2019 is not intended to, and  
42 does not, reflect any assessment of any judicial decision interpreting any provision  
43 of the former Fish and Game Code.

44 **Comment.** Section 15 is new. Subdivision (a) makes clear that case law construing a  
45 predecessor provision of the former Fish and Game Code is relevant in construing its successor  
46 provision or provisions in the Fish and Wildlife Code.

47 Subdivisions (b) and (c) make clear that in enacting the Fish and Wildlife Code of 2019, the  
48 Legislature has not taken any position on any judicial opinion interpreting any provision of the  
49 former Fish and Game Code.

1    **§ 20. Constitutionality of provisions**

2       20. (a) A judicial decision determining the constitutionality of a provision of the  
3 former Fish and Game Code is relevant in determining the constitutionality of any  
4 provision of this code that restates or continues that provision of the former Fish  
5 and Game Code.

6       (b) However, in enacting the Fish and Wildlife Code of 2019, the Legislature  
7 has not evaluated the constitutionality of any provision enacted by that act, or the  
8 correctness of any judicial decision determining the constitutionality of any  
9 provision of the former Fish and Game Code.

10      (c) The enactment of the Fish and Wildlife Code of 2019 is not intended to, and  
11 does not, reflect any determination of the constitutionality of any provision  
12 enacted by that act.

13      **Comment.** Section 20 is new. Subdivision (a) makes clear that case law determining the  
14 constitutionality of a predecessor provision of the former Fish and Game Code is relevant in  
15 determining the constitutionality of its successor provision or provisions in the Fish and Wildlife  
16 Code of 2019.

17      Subdivisions (b) and (c) make clear that in enacting the Fish and Wildlife Code of 2019, the  
18 Legislature has not taken any position on the constitutionality of any provision of that act, or of  
19 any provision of the former Fish and Game Code.

20    **§ 25. Transitional provision**

21       25. (a) As used in this section:

22       (1) “New law” means either of the following, as the case may be:

23       (A) The act that enacted this code.

24       (B) The act that makes a change in this code, whether effectuated by  
25 amendment, addition, or repeal of a provision of this code.

26       (2) “Old law” means the applicable law in effect before the operative date of the  
27 new law.

28       (3) “Operative date” means the operative date of the new law.

29       (b) This section governs the application of the new law except to the extent  
30 otherwise expressly provided in the new law.

31       (c) Subject to the limitations provided in this section, the new law applies on the  
32 operative date to all matters governed by the new law, regardless of whether an  
33 event occurred or circumstance existed before, on, or after the operative date,  
34 including, but not limited to, commencement of a proceeding, making of an order,  
35 or taking of an action.

36       (d) If a document or paper is filed before the operative date, the contents,  
37 execution, and notice thereof are governed by the old law and not by the new law,  
38 but subsequent proceedings taken after the operative date concerning the  
39 document or paper, including an objection or response, a hearing, an order, or  
40 other matter relating thereto is governed by the new law and not by the old law.

41       (e) If an order is made before the operative date, or an action on an order is  
42 taken before the operative date, the validity of the order or action is governed by  
43 the old law and not by the new law. Nothing in this subdivision precludes

1 proceedings after the operative date to modify an order made, or alter a course of  
2 action commenced, before the operative date, to the extent proceedings for  
3 modification of an order or alteration of a course of action of that type are  
4 otherwise provided in the new law.

5 (f) No person is liable for an action taken before the operative date that was  
6 proper at the time the action was taken, even though the action would be improper  
7 if taken on or after the operative date, and the person has no duty, as a result of the  
8 enactment of the new law, to take any step to alter the course of action or its  
9 consequences.

10 (g) If the new law does not apply to a matter that occurred before the operative  
11 date, the old law continues to govern the matter notwithstanding its repeal or  
12 amendment by the new law.

13 (h) If a party shows, and the court determines, that application of a particular  
14 provision of the new law or of the old law in the manner required by this section  
15 or by the new law would substantially interfere with the effective conduct of the  
16 proceedings or the rights of the parties or other interested persons in connection  
17 with an event that occurred or circumstance that existed before the operative date,  
18 the court may, notwithstanding this section or the new law, apply either the new  
19 law or the old law to the extent reasonably necessary to mitigate the substantial  
20 interference.

21 **Comment.** Section 25 replaces the second sentence of former Fish and Game Code Section 3.

22 Section 25 is similar to Family Code Section 4 and Probate Code Section 3. It provides general  
23 transitional rules applicable to the Fish and Wildlife Code. This section applies both to the act  
24 that enacted the Fish and Wildlife Code and to any later act that changes the code, whether the  
25 change is effectuated by amendment, addition, or repeal of a provision of the code.

26 The rules stated in this section are general provisions that apply absent a special rule stated in a  
27 new law. Special rules may defer or accelerate application of a new law despite the general rules  
28 stated in this section. See subdivision (b).

29 The general rule prescribed in subdivision (c) is that a new law applies immediately on its  
30 operative date to all matters, including pending proceedings. The general rule is qualified by the  
31 exceptions listed in subdivision (d) (contents, execution, and notice of papers and documents are  
32 governed by the law applicable when the paper or document is filed), subdivision (e) (orders are  
33 governed by the law applicable when the order is made, subject to any applicable modification  
34 procedures), and subdivision (f) (acts are governed by the law applicable when the act is done).

35 Where a new law fails to address a matter that occurred before its operative date, subdivision  
36 (g) makes clear that old law continues to govern the matter.

37 Because it is impractical to attempt to deal with all the possible transitional problems that may  
38 arise in the application of a new law to various circumstances, subdivision (h) provides a safety  
39 valve that permits the court to vary the application of the new law where there would otherwise  
40 be a substantial impairment of procedure or justice. This provision is intended to apply only in the  
41 extreme and unusual case, and is not intended to excuse compliance with the basic transitional  
42 provisions simply because of minor inconveniences or minor impacts on expectations or other  
43 interests.

44 In addition to governing other substantive provisions, Section 25 also governs itself. It  
45 therefore becomes operative on the date the Fish and Wildlife Code becomes operative and  
46 applies to provisions enacted and operative before, on, or after that date.

1    **§ 30. Effect of headings**

2       30. Division, part, title, chapter, article, and section headings do not in any  
3 manner affect the scope, meaning, or intent of the provisions of this code.

4       **Comment.** Section 30 continues former Fish and Game Code Section 4 without substantive  
5 change.

6    **§ 35. Reference to specified part of code**

7       35. Unless otherwise expressly stated:

8       (a) “Division” means a division of this code.

9       (b) “Part” means a part of the division in which that term occurs.

10      (c) “Title” means a title of the part in which that term occurs.

11      (d) “Chapter” means a chapter of the division, part, or title, as the case may be,  
12 in which that term occurs.

13      (e) “Article” means an article of the chapter in which that term occurs.

14      (f) “Section” means a section of this code.

15      (g) “Subdivision” means a subdivision of the section in which that term occurs.

16      (h) “Paragraph” means a paragraph of the subdivision in which that term occurs.

17      (i) “Subparagraph” means a subparagraph of the paragraph in which that term  
18 occurs.

19       **Comment.** Subdivisions (f) and (g) of Section 35 restate former Fish and Game Code Section  
20 73 without substantive change. The other provisions of Section 35 are new. They are similar to  
21 Probate Code Section 8, except that references to “title” have been added.

22    **§ 40. Reference to statute includes amendments and additions**

23       40. Whenever reference is made to any portion of this code or of any other law  
24 of this state, the reference applies to all amendments and additions heretofore or  
25 hereafter made.

26       **Comment.** Section 40 continues former Fish and Game Code Section 5 without substantive  
27 change.

28    **§ 45. Delegation**

29       45. Whenever a power is granted to, or duty is imposed upon, a public officer,  
30 the power may be exercised or the duty may be performed by a deputy of the  
31 officer, or by a person authorized, pursuant to law, by the officer, unless this code  
32 expressly provides otherwise.

33       **Comment.** Section 45 continues former Fish and Game Code Section 6 without change.

34    **§ 50. Use of English in statements and reports**

35       50. Whenever a statement or report is required to be made, it shall be made in  
36 the English language. Nothing in this section shall prohibit the department from  
37 providing an unofficial translation of a statement or report in a language other than  
38 English.

39       **Comment.** The first sentence of Section 50 continues former Fish and Game Code Section 7  
40 without change.

1 The second sentence is drawn from Code of Civil Procedure Section 185. It authorizes, but  
2 does not require, unofficial translation of statements and reports into languages other than  
3 English.

4 See also Gov't Code §§ 7290-7299.8 (Dymally-Alatorre Bilingual Services Act).

5 **§ 55. Tenses**

6 55. The present tense includes the past and future tenses, and the future, the  
7 present.

8 **Comment.** Section 55 continues former Fish and Game Code Section 8 without change.

9 **§ 60. Gender**

10 60. The masculine gender includes the feminine and the neuter.

11 **Comment.** Section 60 continues former Fish and Game Code Section 9 without change.

12 **§ 65. Number**

13 65. The singular number includes the plural, and the plural, the singular.

14 **Comment.** Section 65 continues former Fish and Game Code Section 10 without change.

15 **§ 70. Days**

16 70. Whenever in this code the doing of an act between certain dates or from one  
17 date to another is allowed or prohibited, the period of time thereby indicated  
18 includes both dates specified. The first date specified designates the first day of the  
19 period, and the second day specified designates the last day of the period. No  
20 period of time specified in this code exceeds one year unless otherwise expressly  
21 provided.

22 **Comment.** Section 70 continues former Fish and Game Code Section 11 without change.

23 **§ 75. Mailed notice**

24 75. Unless otherwise specified by statute, any notice or other written  
25 communication required to be sent to any person by this code or regulations  
26 adopted pursuant to this code is sufficient notice, if sent by first-class mail to the  
27 last address furnished to the department by that person.

28 **Comment.** Section 75 continues former Fish and Game Code Section 13 without substantive  
29 change.

30 **§ 80. “Shall” and “may”**

31 80. “Shall” is mandatory and “may” is permissive.

32 **Comment.** Section 80 continues former Fish and Game Code Section 79 without change.

33 **§ 85. Order, rule, and regulation**

34 85. “Order,” “rule,” and “regulation” are used interchangeably and each includes  
35 the others.

36 **Comment.** Section 85 continues former Fish and Game Code Section 64 without change.



1 § 220. “Angling”

2 220. “Angling” means the taking of, or attempting to take, fish by hook and line  
3 with the line held in the hand, or by hook and line with the line attached to a pole  
4 or rod that is closely attended or held in the hand in a manner that the fish  
5 voluntarily takes the bait or lure in its mouth.

6 **Comment.** Section 220 continues former Fish and Game Code Section 15 without substantive  
7 change.

8 § 225. “Aquaculture”

9 225. (a) “Aquaculture” means that form of agriculture devoted to the  
10 propagation, cultivation, maintenance, and harvesting of aquatic plants and  
11 animals in marine, brackish, and fresh water.

12 (b) “Aquaculture” does not include species of ornamental marine or freshwater  
13 plants and animals not utilized for human consumption or bait purposes that are  
14 maintained in closed systems for personal, pet industry, or hobby purposes,  
15 however, these species continue to be regulated under Part 7 (commencing with  
16 Section 26500) of Division 7.

17 **Comment.** Section 225 continues former Fish and Game Code Section 17 without substantive  
18 change.

19 § 230. “Bag limit”

20 230. “Bag limit” means the maximum limit, in number or amount, of birds,  
21 mammals, fish, reptiles, or amphibians that may lawfully be taken by any one  
22 person during a specified period of time.

23 **Comment.** Section 230 continues former Fish and Game Code Section 18 without change.

24 § 235. “Bait net”

25 235. “Bait net” means a lampara net or round haul type net, the mesh of which is  
26 constructed of twine not exceeding Standard No. 9 medium cotton seine twine, or  
27 synthetic twine of equivalent size or strength.

28 **Comment.** Section 235 generalizes the first sentence of former Fish and Game Code Section  
29 8780(a).

30 § 240. “Beach net”

31 240. “Beach net” means a net hauled from the water to the beach or shore, and  
32 includes a beach seine and a haul seine.

33 **Comment.** Section 240 generalizes former Fish and Game Code Section 8800.

34 § 245. “Bird”

35 245. “Bird” means a wild bird or part of a wild bird.

36 **Comment.** Section 245 continues former Fish and Game Code Section 22 without change.

37 The reference to a “part” of an animal in this section is superfluous. See Section 95 (reference  
38 to animal generally includes part of animal). It is retained solely for clarity, and is not intended to

1 affect the meaning of any other provision of this code that includes or omits a reference to a  
2 “part” of an animal.

3 **§ 250. “Body-gripping trap”**

4 250. A body-gripping trap is one that grips the mammal’s body or body part,  
5 including, but not limited to, steel-jawed leghold traps, padded-jaw leghold traps,  
6 conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver  
7 traps, and common rat and mouse traps shall not be considered body-gripping  
8 traps.

9 **Comment.** Section 250 continues the second and third sentences of former Fish and Game  
10 Code Section 3003.1(a) without change.

11 **§ 255. “Bucket trap”**

12 255. “Bucket trap” means a plastic bucket of five gallons or less in capacity.

13 **Comment.** Section 255 generalizes former Fish and Game Code Section 9000.5(a).

14 **§ 260. “Buy”**

15 260. “Buy” includes an offer to buy, purchase, barter, exchange, or trade.

16 **Comment.** Section 260 continues former Fish and Game Code Section 24 without change.

17 **§ 265. “Bycatch”**

18 265. “Bycatch” means fish or other marine life that are taken in a fishery but  
19 which are not the target of the fishery. “Bycatch” includes discards.

20 **Comment.** Section 265 generalizes former Fish and Game Code Section 90.5.

21 **§ 270. “Chumming”**

22 270. “Chumming” means the placing in the water of fish, or other material upon  
23 which fish feed, for the purpose of attracting fish to a particular area in order that  
24 they may be taken.

25 **Comment.** Section 270 continues former Fish and Game Code Section 27 without change.

26 **§ 275. “Closed season”**

27 275. “Closed season” means that period of time during which the taking of  
28 birds, mammals, fish, amphibians, or reptiles is prohibited.

29 **Comment.** Section 275 continues former Fish and Game Code Section 29 without change.

30 **§ 280. “Commercial fisherman”**

31 280. “Commercial fisherman” means a person engaging in an activity for which  
32 a commercial fishing license is required pursuant to Section 14500.

33 **Comment.** Section 280 is drawn from former Fish and Game Code Sections 8040(a) and 7850.  
34 It is added for drafting convenience.

1    **§ 285. “Commercial fishing entitlement”**

2       285. “Commercial fishing entitlement” means a commercial fishing license, or  
3 any other permit, stamp, or entitlement issued by the department, to take, possess  
4 aboard a boat, or land fish for a commercial purpose, but not including the  
5 following entitlements:

6       (a) A license issued pursuant to Title 9 (commencing with Section 20200) of  
7 Part 6 of Division 6.

8       (b) A license issued pursuant to Title 13 (commencing with Section 22100) of  
9 Part 6 of Division 6.

10      (c) A commercial boat registration or other entitlement authorizing the use of a  
11 vessel.

12      **Comment.** Section 285 is new. It is added for drafting convenience.

13    **§ 290. “Commercial fishing license”**

14       290. “Commercial fishing license” means a valid, unrevoked commercial fishing  
15 license issued pursuant to Chapter 1 (commencing with Section 14500) of Title 2  
16 of Part 6 of Division 6.

17      **Comment.** Section 290 generalizes former Fish and Game Code Section 8031(a)(4). It is  
18 added for drafting convenience.

19    **§ 295. “Commercial passenger fishing boat”**

20       295. For purposes of this title, “commercial passenger fishing boat” means a  
21 boat or vessel from which its owner, for profit, permits a passenger to take fish.

22      **Comment.** Section 295 is drawn from the first sentence of former Fish and Game Code  
23 Section 7920. It is added for drafting convenience.

24    **§ 300. “Commercial passenger fishing boat owner”**

25       300. “Commercial passenger fishing boat owner” means a person engaging in an  
26 activity for which a commercial passenger fishing boat license is required pursuant  
27 to Sections 21900 and 21905.

28      **Comment.** Section 300 is drawn from the first paragraph of former Fish and Game Code  
29 Section 7920. It is added for drafting convenience.

30    **§ 305. “Commission”**

31       305. “Commission” means the Fish and Game Commission.

32      **Comment.** Section 305 continues the first clause of former Fish and Game Code Section 30  
33 without change.

34    **§ 310. “Commissioner”**

35       310. “Commissioner” means a member of the Fish and Game Commission.

36      **Comment.** Section 310 continues the second clause of former Fish and Game Code Section 30  
37 without change.

1 § 315. “County”

2 315. “County” includes city and county.

3 **Comment.** Section 315 continues former Fish and Game Code Section 32 without change.

4 § 320. “Credible science”

5 320. “Credible science” means the best available scientific information that is  
6 not overly prescriptive due to the dynamic nature of science, and includes the  
7 evaluation principles of relevance, inclusiveness, objectivity, transparency,  
8 timeliness, verification, validation, and peer review of information as appropriate.  
9 Credible science also recognizes the need for adaptive management, as scientific  
10 knowledge evolves.

11 **Comment.** Section 320 continues former Fish and Game Code Section 33 without substantive  
12 change.

13 § 325. “Day”

14 325. “Day” means calendar day.

15 **Comment.** Section 325 continues the first clause of former Fish and Game Code Section 35  
16 without change.

17 § 330. “Deeper nearshore species”

18 330. “Deeper nearshore species” means those finfish identified as deeper  
19 nearshore species in regulations adopted by the commission pursuant to Section  
20 22620.

21 **Comment.** Section 330 generalizes former Fish and Game Code Section 9000.5(b).

22 § 335. “Department”

23 335. “Department” means the Department of Fish and Wildlife.

24 **Comment.** Section 335 continues former Fish and Game Code Section 37 without change.

25 § 340. “Depressed”

26 340. “Depressed,” with regard to a marine fishery, means the condition of a  
27 fishery for which the best available scientific information, and other relevant  
28 information that the commission or department possesses or receives, indicates a  
29 declining population trend has occurred over a period of time appropriate to that  
30 fishery. With regard to fisheries for which management is based on maximum  
31 sustainable yield, or in which a natural mortality rate is available, “depressed”  
32 means the condition of a fishery that exhibits declining fish population abundance  
33 levels below those consistent with maximum sustainable yield.

34 **Comment.** Section 340 generalizes former Fish and Game Code Section 90.7.

35 § 345. “Director”

36 345. “Director” means the Director of Fish and Wildlife.

37 **Comment.** Section 345 continues former Fish and Game Code Section 39 without change.

1    **§ 350. “Discards”**

2    350. “Discards” means fish that are taken in a fishery but are not retained  
3 because they are of an undesirable species, size, sex, or quality, or because they  
4 are required by law not to be retained.

5    **Comment.** Section 350 generalizes former Fish and Game Code Section 91.

6    **§ 355. “District”**

7    355. “District” means fish and wildlife district.

8    **Comment.** Section 355 continues former Fish and Game Code Section 41 without substantive  
9 change.

10   **§ 360. “Ecosystem-based management”**

11   360. “Ecosystem-based management” means an environmental management  
12 approach relying on credible science that recognizes the full array of interactions  
13 within an ecosystem, including humans, rather than considering single issues,  
14 species, or ecosystem services in isolation.

15   **Comment.** Section 360 continues former Fish and Game Code Section 43 without substantive  
16 change.

17   **§ 365. “Essential fishery information”**

18   365. “Essential fishery information,” with regard to a marine fishery, means  
19 information about fish life history and habitat requirements; the status and trends  
20 of fish populations, fishing effort, and catch levels; fishery effects on fish age  
21 structure and on other marine living resources and users, and any other  
22 information related to the biology of a fish species or to taking in the fishery that is  
23 necessary to permit fisheries to be managed according to the requirements of this  
24 code.

25   **Comment.** Section 365 generalizes former Fish and Game Code Section 93.

26   **§ 370. “Exotic nonresident game bird”**

27   370. “Exotic nonresident game bird” means a bird of the order Galliformes  
28 (pheasant, grouse, quail) that is not established as a wild resident population in this  
29 state.

30   **Comment.** Section 370 continues former Fish and Game Code Section 3514 without  
31 substantive change.

32   **§ 375. “Finfish”**

33   375. “Finfish” means any species of bony fish or cartilaginous fish.

34   **Comment.** Section 375 is drawn from Section 1.46 of Title 14 of the California Code of  
35 Regulations. It is added for drafting convenience.

36   **§ 380. “Fish”**

37   380. “Fish” means a wild fish, mollusk, crustacean, invertebrate, amphibian, or  
38 part, spawn, or ovum of any of those animals.

1       **Comment.** Section 380 continues former Fish and Game Code Section 45 without substantive  
2 change.

3       The reference to a “part” of an animal in this section is superfluous. See Section 95 (reference  
4 to animal generally includes part of animal). It is retained solely for clarity, and is not intended to  
5 affect the meaning of any other provision of this code that includes or omits a reference to a  
6 “part” of an animal.

7       **§ 385. “Fish importer”**

8       385. “Fish importer” means a person engaging in an activity for which a fish  
9 importer’s license is required pursuant to Section 20350.

10       **Comment.** Section 385 is drawn from former Fish and Game Code Section 8036(a). It is added  
11 for drafting convenience.

12       **§ 390. “Fish processor”**

13       390. “Fish processor” means a person engaging in an activity for which a fish  
14 processor’s license is required pursuant to Section 20400.

15       **Comment.** Section 390 is drawn from former Fish and Game Code Section 8034. It is added  
16 for drafting convenience.

17       **§ 395. “Fish receiver”**

18       395. “Fish receiver” means a person engaging in an activity for which a fish  
19 receiver’s license is required pursuant to Section 20450.

20       **Comment.** Section 395 is drawn from former Fish and Game Code Section 8033. It is added  
21 for drafting convenience.

22       **§ 400. “Fish retailer”**

23       400. “Fish retailer” means a person engaging in an activity for which a fish  
24 retailer’s license is required pursuant to Section 20500.

25       **Comment.** Section 400 is drawn from former Fish and Game Code Section 8033.5(a). It is  
26 added for drafting convenience.

27       **§ 405. “Fish wholesaler”**

28       405. “Fish wholesaler” means a person engaging in an activity for which a fish  
29 wholesaler’s license is required pursuant to Section 20550.

30       **Comment.** Section 405 is drawn from former Fish and Game Code Section 8035. It is added  
31 for drafting convenience.

32       **§ 410. “Fishery”**

33       410. “Fishery” means both of the following:

34       (a) One or more populations of marine fish or marine plants that may be treated  
35 as a unit for purposes of conservation and management and that are identified on  
36 the basis of geographical, scientific, technical, recreational, and economic  
37 characteristics.

38       (b) Fishing for, harvesting, or catching the populations described in subdivision  
39 (a).

1       **Comment.** Section 410 generalizes former Fish and Game Code Section 94.

2       **§ 415. “Fully protected amphibian”**

- 3       415. “Fully protected amphibian” means any of the following amphibians:  
4       (a) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*).  
5       (b) Limestone salamander (*Hydromantes brunus*).  
6       (c) Black toad (*Bufo boreas exsul*).

7       **Comment.** Section 415 continues former Fish and Game Code Section 5050(b)(3)-(5) without  
8       substantive change.

9       **§ 420. “Fully protected bird”**

- 10       420. “Fully protected bird” means any of the following birds:  
11       (a) American peregrine falcon (*Falco peregrinus anatum*).  
12       (b) Brown pelican.  
13       (c) California black rail (*Laterallus jamaicensis coturniculus*).  
14       (d) California clapper rail (*Rallus longirostris obsoletus*).  
15       (e) California condor (*Gymnogyps californianus*).  
16       (f) California least tern (*Sterna albifrons browni*).  
17       (g) Golden eagle.  
18       (h) Greater sandhill crane (*Grus canadensis tabida*).  
19       (i) Light-footed clapper rail (*Rallus longirostris levipes*).  
20       (j) Southern bald eagle (*Haliaeetus leucocephalus leucocephalus*).  
21       (k) Trumpeter swan (*Cygnus buccinator*).  
22       (l) White-tailed kite (*Elanus leucurus*).  
23       (m) Yuma clapper rail (*Rallus longirostris yumanensis*).

24       **Comment.** Section 420 continues former Fish and Game Code Section 3511(b) without  
25       substantive change.

26       **§ 425. “Fully protected fish”**

- 27       425. “Fully protected fish” means any of the following fish:  
28       (a) Colorado River squawfish (*Ptychocheilus lucius*).  
29       (b) Humpback sucker (*Xyrauchen texanus*).  
30       (c) Lost River sucker (*Catostomus luxatus*).  
31       (d) Modoc sucker (*Catostomus microps*).  
32       (e) Mohave chub (*Gila mohavensis*).  
33       (f) Owens pupfish (*Cyprinoden radiosus*).  
34       (g) Rough sculpin (*Cottus asperrimus*).  
35       (h) Shortnose sucker (*Chasmistes brevirostris*).  
36       (i) Thicktail chub (*Gila crassicauda*).  
37       (j) Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*).

38       **Comment.** Section 425 continues former Fish and Game Code Section 5515(b) without  
39       substantive change.

1    **§ 430. “Fully protected mammal”**

2    430. “Fully protected mammal” means any of the following mammals:

3    (a) Bighorn sheep (*Ovis canadensis*), except a mature Nelson bighorn ram  
4 (subspecies *Ovis canadensis nelsoni*) when the object of sport hunting authorized  
5 by subdivision (b) of Section 35900.

6    (b) Guadalupe fur seal (*Arctocephalus townsendi*).

7    (c) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*).

8    (d) Northern elephant seal (*Mirounga angustirostris*).

9    (e) Pacific right whale (*Eubalaena sieboldi*).

10   (f) Ring-tailed cat (genus *Bassariscus*).

11   (g) Salt-marsh harvest mouse (*Reithrodontomys raviventris*).

12   (h) Southern sea otter (*Enhydra lutris nereis*).

13   (i) Wolverine (*Gulo luscus*).

14    **Comment.** Section 430 continues former Fish and Game Code Section 4700(b) without  
15 substantive change.

16   **§ 435. “Fur-bearing mammal”**

17   435. “Fur-bearing mammal” means any of the following mammals:

18   (a) Badger.

19   (b) Beaver.

20   (c) Fisher.

21   (d) Gray fox.

22   (e) Kit fox.

23   (f) Mink.

24   (g) Muskrat.

25   (h) Pine marten.

26   (i) Raccoon.

27   (j) Red fox.

28   (k) River otter.

29    **Comment.** Section 435 continues former Fish and Game Code Section 3900 without  
30 substantive change.

31   **§ 440. “Fully protected reptile”**

32   440. “Fully protected reptile” means either of the following reptiles:

33   (a) Blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*).

34   (b) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).

35    **Comment.** Section 440 continues former Fish and Game Code Section 5050(b)(1)-(2) without  
36 substantive change.

37   **§ 445. “Game amphibian”**

38   445. “Game amphibian” means an amphibian that can be lawfully taken for a  
39 noncommercial purpose.

40    **Comment.** Section 445 is new. It is added for drafting convenience.

1 § 450. “Game bird”

2 450. “Game bird” means a resident game bird or a migratory game bird.

3 **Comment.** Section 450 continues former Fish and Game Code Section 3500(c) without  
4 substantive change.

5 § 455. “Game fish”

6 455. “Game fish” means a fish that can be lawfully taken for a noncommercial  
7 purpose.

8 **Comment.** Section 455 is new. It is added for drafting convenience.

9 § 460. “Game mammal”

10 460. (a) “Game mammal” means any of the following mammals:

11 (1) Black and brown or cinnamon bear (genus *Euarctos*).

12 (2) Deer (genus *Odocoileus*).

13 (3) Elk (genus *Cervus*).

14 (4) Jackrabbit and varying hare (genus *Lepus*), cottontails, brush rabbits, pigmy  
15 rabbits (genus *Sylvilagus*).

16 (5) Mature Nelson bighorn ram (subspecies *Ovis canadensis nelsoni*), only when  
17 the object of sport hunting authorized by subdivision (b) of Section 35900.

18 (6) Mountain lion (genus *Felis*).

19 (7) Prong-horned antelope (genus *Antilocapra*).

20 (8) Tree squirrel (genus *Sciurus* and *Tamiasciurus*).

21 (9) Wild pig, including feral pig and European wild boar (genus *Sus*).

22 (b) Notwithstanding subdivision (a) or any other provision of this code, the  
23 mountain lion (genus *Felis*) shall not be listed as, or considered to be, a game  
24 mammal by the department or the commission.

25 (c) Section 1025 does not apply to subdivision (b). Neither the commission nor  
26 the department shall adopt any regulation that conflicts with or supersedes this  
27 subdivision, or subdivision (b).

28 **Comment.** Subdivisions (a)(1)-(4) and (a)(6)-(9) of Section 460 continue former Fish and  
29 Game Code Section 3950(a) without substantive change.

30 Subdivision (a)(5) continues former Fish and Game Code Section 3950(b) without substantive  
31 change.

32 Subdivisions (b) and (c) restate former Fish and Game Code Section 3950.1 without  
33 substantive change.

34 § 465. “Game reptile”

35 465. “Game reptile” means a reptile that can be lawfully taken for a  
36 noncommercial purpose.

37 **Comment.** Section 465 is new. It is added for drafting convenience.

38 § 470. “General trap permit”

39 470. “General trap permit” means a valid permit to take fish for a commercial  
40 purpose issued pursuant to Section 19205 that has not been suspended or revoked.

1       **Comment.** Section 470 generalizes former Fish and Game Code Section 9000.5(c).

2       **§ 475. “Guide boat”**

3       475. “Guide boat” means a boat or vessel under 25 feet in length, which is used  
4 by a guide, who is licensed under Title 4 (commencing with Section 8800) of Part  
5 1 of Division 6, in inland waters for any of the following purposes:

6       (1) For the business of packing or guiding.

7       (2) For compensation, to assist another person in taking or attempting to take  
8 any fish or amphibian.

9       (3) For compensation, to assist another person in locating any bird or mammal.

10       **Comment.** Section 475 continues former Fish and Game Code Section 46 without substantive  
11 change.

12       **§ 480. “Hook” and related terms**

13       480. “Hook” or “fishhook” means an implement to catch or hold fish or  
14 amphibians. “Single hook” means any hook with one point and with or without a  
15 barb; “double hook” means any hook with two points and with or without barbs;  
16 “treble or triple hook” means any hook with three points and with or without  
17 barbs. “Snag” or “gaff” hooks are hooks with or without handles used to take fish  
18 in such manner that the fish does not take the hook voluntarily in its mouth.

19       **Comment.** Section 480 continues former Fish and Game Code Section 48 without substantive  
20 change.

21       **§ 485. “Kelp”**

22       485. “Kelp” means kelp or other marine aquatic plants and the seeds thereof.

23       **Comment.** Section 485 continues former Fish and Game Code Section 51 without change.

24       **§ 490. “Korean trap”**

25       490. “Korean trap” means a molded plastic cylinder that does not exceed 6  
26 inches in diameter and does not exceed 24 inches in length.

27       **Comment.** Section 490 generalizes former Fish and Game Code Section 9000.5(d).

28       **§ 495. “Limited entry fishery”**

29       495. “Limited entry fishery” means a fishery in which the number of persons  
30 who may participate or the number of vessels that may be used in taking a  
31 specified species of fish is limited by statute or regulation.

32       **Comment.** Section 495 continues former Fish and Game Code Section 8100 without change.

33       **§ 500. “Live freshwater bait fish dealer”**

34       500. “Live freshwater bait fish dealer” means a person engaging in an activity  
35 for which a live freshwater bait fish license is required pursuant to Section 22100.

36       **Comment.** Section 500 is drawn from former Fish and Game Code Section 8460. It is added  
37 for drafting convenience.

1    **§ 505. “Mammal”**

2       505. “Mammal” means a wild or feral mammal or part of a wild or feral  
3 mammal, but not a wild, feral, or undomesticated burro.

4       **Comment.** Section 505 continues former Fish and Game Code Section 54 without change.

5       The reference to a “part” of an animal in this section is superfluous. See Section 95 (reference  
6 to animal generally includes part of animal). It is retained solely for clarity, and is not intended to  
7 affect the meaning of any other provision of this code that includes or omits a reference to a  
8 “part” of an animal.

9    **§ 510. “Marine aquaria collector”**

10       510. “Marine aquaria collector” means a person engaging in an activity for  
11 which a marine aquaria collector’s permit is required pursuant to Section 20705.

12       **Comment.** Section 510 is drawn from former Fish and Game Code Section 8597(a). It is added  
13 for drafting convenience.

14    **§ 515. “Marine aquaria receiver”**

15       515. “Marine aquaria receiver” means a person engaging in an activity for which  
16 a marine aquaria receiver’s license is required pursuant to Section 20600.

17       **Comment.** Section 515 is drawn from former Fish and Game Code Section 8033.1(a). It is  
18 added for drafting convenience.

19    **§ 520. “Marine finfish aquaculture”**

20       520. “Marine finfish aquaculture” means the propagation, cultivation, or  
21 maintenance of finfish species in the waters of the Pacific Ocean that are regulated  
22 by this state.

23       **Comment.** Section 520 continues former Fish and Game Code Section 54.5 without change.

24    **§ 525. “Marine living resources”**

25       525. “Marine living resources” includes all wild mammals, birds, reptiles, fish,  
26 and plants that normally occur in or are associated with salt water, and the marine  
27 habitats upon which these animals and plants depend for their continued viability.

28       **Comment.** Section 525 generalizes former Fish and Game Code Section 96.

29    **§ 530. “Marine mammal”**

30       530. “Marine mammal” means any of the following mammals:

- 31       (a) Dolphin
- 32       (b) Porpoise.
- 33       (c) Sea lion.
- 34       (d) Sea otter.
- 35       (e) Seal.
- 36       (f) Whale.

37       **Comment.** Section 530 generalizes former Fish and Game Code Section 4500(c).

1 § 535. “Master”

2 535. “Master,” with regard to a vessel, means the person on board a vessel who  
3 is in charge of the vessel.

4 **Comment.** Section 535 continues the 3rd paragraph of former Fish and Game Code Section  
5 12002.7, and former Fish and Game Code Section 12002.8(f), without substantive change.

6 § 540. “Maximum sustainable yield”

7 540. “Maximum sustainable yield” in a marine fishery means the highest  
8 average yield over time that does not result in a continuing reduction in stock  
9 abundance, taking into account fluctuations in abundance and environmental  
10 variability.

11 **Comment.** Section 540 generalizes former Fish and Game Code Section 96.5.

12 § 545. “Migratory game bird”

13 545. “Migratory game bird” means any of the following birds:

- 14 (a) Band-tailed pigeon.
- 15 (b) Coot.
- 16 (c) Duck.
- 17 (d) Gallinule.
- 18 (e) Goose.
- 19 (f) Jacksnipe.
- 20 (g) Western mourning dove.
- 21 (h) White-winged dove.

22 **Comment.** Section 545 continues former Fish and Game Code Section 3500(b) without  
23 substantive change.

24 § 550. “Mile”

25 550. “Mile” means either a statute mile (5,280 feet) or a nautical mile (6,077  
26 feet) depending on the application. Statute miles shall be the unit of measurement  
27 for all land masses, rivers, streams, creeks, and inland bodies of water. Nautical  
28 miles shall be the unit of measurement for all marine waters.

29 **Comment.** Section 550 continues former Fish and Game Code Section 55 without change.

30 § 555. “Native California trout”

31 555. “Native California trout” means any of the following fish:

- 32 (a) California golden trout.
- 33 (b) Coastal cutthroat trout.
- 34 (c) Coastal rainbow trout/steelhead.
- 35 (d) Eagle Lake rainbow trout.
- 36 (e) Goose Lake redband trout.
- 37 (f) Kern River rainbow trout.
- 38 (g) Lahontan cutthroat trout.
- 39 (h) Little Kern golden trout.

1 (i) McCloud River redband trout.

2 (j) Paiute cutthroat trout.

3 (k) Warner Valley redband trout.

4 **Comment.** Section 555 continues former Fish and Game Code Section 7261 without  
5 substantive change.

6 **§ 557. “Native plant”**

7 557. “Native plant” means a plant growing in a wild uncultivated state, which is  
8 normally found native to the plantlife of this state.

9 **Comment.** Section 557 generalizes the second sentence of former Fish and Game Code  
10 Section 1901.

11 **§ 560. “Nearshore species”**

12 560. “Nearshore species” means those finfish identified as nearshore species in  
13 regulations adopted by the commission pursuant to Section 22620.

14 **Comment.** Section 560 generalizes former Fish and Game Code Section 9000.5(e).

15 **§ 565. “Net”**

16 565. “Net” means any gear made of any kind of twine, thread, string, rope, wire,  
17 wood, or other materials used for the gilling, entangling, trapping, or impounding  
18 fish.

19 **Comment.** Section 565 continues former Fish and Game Code Section 56 without change.

20 **§ 570. “Nongame bird”**

21 570. “Nongame bird” means a bird occurring naturally in California that is not a  
22 resident game bird, migratory game bird, or fully protected bird.

23 **Comment.** Section 570 continues the first sentence of former Fish and Game Code Section  
24 3800(a) without substantive change.

25 **§ 575. “Nongame mammal”**

26 575. “Nongame mammal” means any of the following mammals:

27 (a) A mammal occurring naturally in California that is not a game mammal,  
28 fully protected mammal, or fur-bearing mammal.

29 (b) A house cat (*Felis domesticus*) found within the limits of a fish and game  
30 refuge, except if in the residence of its owner or on the grounds adjacent to that  
31 residence.

32 **Comment.** Subdivision (a) of Section 575 continues the first sentence of former Fish and  
33 Game Code Section 4150 without substantive change.

34 Subdivision (b) continues former Fish and Game Code Section 4151 without substantive  
35 change.

36 **§ 580. “Nonresident”**

37 580. “Nonresident” means a person who is not a resident as defined in Section  
38 660.

1       **Comment.** Section 580 restates former Fish and Game Code Section 57 to reconcile the  
2 definition of the term “nonresident” with the definition of the term “resident” in former Fish and  
3 Game Code Section 70. See also Section 660 (“resident”).

4       **§ 585. “Oath”**

5       585. “Oath” includes affirmation.

6       **Comment.** Section 585 continues former Fish and Game Code Section 60 without change.

7       **§ 590. “Ocean ranching”**

8       590. “Ocean ranching” means aquaculture where juvenile anadromous fish are  
9 reared and released into state waters to grow and return to an aquaculture facility  
10 to be harvested commercially.

11       **Comment.** Section 590 continues former Fish and Game Code Section 61 without change.

12       **§ 595. “Open season” and “season”**

13       595. “Open season” means that period of time during which the taking of birds,  
14 mammals, fish, reptiles, or amphibians is allowed as prescribed in this code and  
15 regulations adopted by the commission. If used to define the period of time during  
16 which take is allowed, “season” means “open season.”

17       **Comment.** Section 595 continues former Fish and Game Code Section 62 without change.

18       **§ 600. “Optimum yield”**

19       600. “Optimum yield,” with regard to a marine fishery, means the amount of  
20 fish taken in a fishery that does all of the following:

21       (a) Provides the greatest overall benefit to the people of California, particularly  
22 with respect to food production and recreational opportunities, and takes into  
23 account the protection of marine ecosystems.

24       (b) Is the maximum sustainable yield of the fishery, as reduced by relevant  
25 economic, social, or ecological factors.

26       (c) In the case of an overfished fishery, provides for rebuilding to a level  
27 consistent with producing maximum sustainable yield in the fishery.

28       **Comment.** Section 600 generalizes former Fish and Game Code Section 97.

29       **§ 605. “Overfished”**

30       605. “Overfished,” with regard to a marine fishery, means both of the following:

31       (a) A depressed fishery.

32       (b) A reduction of take in the fishery is the principal means for rebuilding the  
33 population.

34       **Comment.** Section 605 generalizes former Fish and Game Code Section 97.5.

35       **§ 610. “Overfishing”**

36       610. “Overfishing” means a rate or level of taking that the best available  
37 scientific information, and other relevant information that the commission or

1 department possesses or receives, indicates is not sustainable or that jeopardizes  
2 the capacity of a marine fishery to produce the maximum sustainable yield on a  
3 continuing basis.

4 **Comment.** Section 610 generalizes former Fish and Game Code Section 98.

5 **§ 615. “Participants”**

6 615. “Participants” in regard to a fishery means the sportfishing, commercial  
7 fishing, and fish receiving and processing sectors of the fishery.

8 **Comment.** Section 615 generalizes former Fish and Game Code Section 98.2.

9 **§ 620. “Person”**

10 620. “Person” means any natural person or any partnership, corporation, limited  
11 liability company, trust, or other type of association.

12 **Comment.** Section 620 continues former Fish and Game Code Section 67 without change.

13 **§ 625. “Population”**

14 625. “Population” means a species, subspecies, geographical grouping, or other  
15 category of fish capable of management as a unit.

16 **Comment.** Section 625 generalizes a part of former Fish and Game Code Section 98.5. See  
17 also Section 745 (“stock”).

18 **§ 630. “Popup”**

19 630. “Popup” means a mechanism capable of releasing a submerged buoy at a  
20 predetermined time.

21 **Comment.** Section 630 generalizes former Fish and Game Code Section 9000.5(f).

22 **§ 635. “Possession limit”**

23 635. “Possession limit” means the maximum, in number or amount, of birds,  
24 mammals, fish, reptiles, or amphibians that may be lawfully possessed by one  
25 person.

26 **Comment.** Section 635 continues former Fish and Game Code Section 19 without change.

27 **§ 640. “Project”**

28 640. “Project” has the same meaning as defined in Section 21065 of the Public  
29 Resources Code.

30 **Comment.** Section 640 continues the definition of “project” in former Fish and Game Code  
31 Section 711.2(a) without change.

32 **§ 645. “Purchase”**

33 645. “Purchase” means “buy” as defined in Section 260.

34 **Comment.** Section 645 continues former Fish and Game Code Section 68 without substantive  
35 change.

1    **§ 650. “Raw fur”**

2       650. “Raw fur” means any of the following:

3       (a) A fur, pelt, or skin that has not been tanned or cured.

4       (b) A pelt that is salt-cured or sun-cured.

5       **Comment.** Section 650 restates the second sentence of former Fish and Game Code Section  
6       4005(a) without substantive change.

7    **§ 655. “Recycled water” or “reclaimed water”**

8       655. “Recycled water” or “reclaimed water” has the same meaning as “recycled  
9       water” as defined in subdivision (n) of Section 13050 of the Water Code.

10      **Comment.** Section 655 continues former Fish and Game Code Section 89 without substantive  
11      change.

12   **§ 660. “Resident”**

13      660. “Resident” means any person who has resided continuously in the State of  
14      California for six months or more immediately prior to the date of application for a  
15      license or permit, any person on active military duty with the Armed Forces of the  
16      United States or auxiliary branch thereof, or any person enrolled in the Job Corps  
17      established pursuant to Section 2883 of Title 29 of the United States Code.

18      **Comment.** Section 660 continues former Fish and Game Code Section 70 without substantive  
19      change.

20   **§ 665. “Resident game bird”**

21      665. “Resident game bird” means any of the following birds:

22      (a) California quail and varieties thereof.

23      (b) Dove of the genus *Streptopelia*, including, but not limited to, spotted dove,  
24      ringed turtle dove, and Eurasian collared-dove.

25      (c) Gambel’s or desert quail.

26      (d) Hungarian partridge.

27      (e) Mountain quail and varieties thereof.

28      (f) Red-legged partridge, including the chukar and other varieties thereof.

29      (g) Ring-necked pheasant and varieties thereof.

30      (h) Ruffed grouse.

31      (i) Sage hens or sage grouse.

32      (j) Sooty or blue grouse and varieties thereof.

33      (k) Wild turkey.

34      **Comment.** Section 665 continues former Fish and Game Code Section 3500(a) without  
35      substantive change.

36   **§ 670. “Restricted access”**

37      670. “Restricted access,” with regard to a marine fishery, means a fishery in  
38      which the number of persons who may participate, or the number of vessels that  
39      may be used in taking a specified species of fish, or the catch allocated to each  
40      fishery participant, is limited by statute or regulation.

1       **Comment.** Section 670 generalizes former Fish and Game Code Section 99.

2       **§ 675. “Round haul net”**

3       675. “Round haul net” means a circle seine, and includes a purse seine, ring net,  
4 half ring net, and lampara net.

5       **Comment.** Section 675 generalizes former Fish and Game Code Section 8750.

6       **§ 680. “Sell”**

7       680. “Sell” includes offer or possess for sale, barter, exchange, or trade.

8       **Comment.** Section 680 continues former Fish and Game Code Section 75 without change.

9       **§ 685. “Set line”**

10       685. “Set line” means a line used to take fish that is anchored to the bottom on  
11 each end and is not free to drift with the tide or current.

12       **Comment.** Section 685 combines and generalizes the parts of former Fish and Game Code  
13 Section 8601 and the second sentence of former Fish and Game Code Section 9029.5 applicable  
14 to set lines.

15       **§ 690. “Set net”**

16       690. (a) “Set net” means either of the following:

17       (1) A net used to take fish that is anchored to the bottom on each end and is not  
18 free to drift with the tide or current.

19       (2) A net placed so that it will catch or impound fish within a bight, bay, or  
20 estuary, or against the shore upon the receding of the tide.

21       (b) Notwithstanding subdivision (a), the following nets are not set nets:

22       (1) A fyke net.

23       (2) A shrimp net.

24       (3) A crab net.

25       **Comment.** Section 690 generalizes the part of former Fish and Game Code Section 8601  
26 applicable to set nets.

27       **§ 695. “Signature” or “subscription”**

28       695. “Signature” or “subscription” includes mark when the signer or subscriber  
29 cannot write, such signer’s or subscriber’s name being written near the mark by a  
30 witness who writes his own name near the signer’s or subscriber’s name; but a  
31 signature or subscription by mark can be acknowledged or can serve as a signature  
32 or subscription to a sworn statement only when two witnesses also sign their own  
33 names.

34       **Comment.** Section 695 continues former Fish and Game Code Section 81 without substantive  
35 change.

36       **§ 700. “Slurp gun”**

37       700. “Slurp gun” means a self-contained, hand-held device used to capture fish  
38 by rapidly drawing water containing fish into a closed chamber.

1       **Comment.** Section 700 continues former Fish and Game Code Section 82 without change.

2       **§ 705. “Spike buck”**

3       705. “Spike buck” means a male deer with unbranched antlers on both sides that  
4 are more than three inches in length.

5       **Comment.** Section 705 continues the third sentence of former Fish and Game Code Section  
6 200(b)(2) without change.

7       **§ 710. “Spiny lobster”**

8       710. “Spiny lobster” refers to the species *Panulirus interruptus*.

9       **Comment.** Section 710 continues former Fish and Game Code Section 8250 without change.

10       **§ 715. “Sport fishing”**

11       715. “Sport fishing” means the take of a fish, amphibian, or reptile, for a  
12 purpose other than profit.

13       **Comment.** Section 715 is new, and added for drafting convenience. It is consistent with former  
14 usage. See, e.g., former Fish and Game Code §§ 7145, 7149.05, 7149.2, 7150, 7151, 7180.1.

15       **§ 720. “Spotted fawn”**

16       720. “Spotted fawn” means a deer one year of age or less that has spotted  
17 pelage.

18       **Comment.** Section 720 continues the second sentence of former Fish and Game Code Section  
19 200(b)(2) without change.

20       **§ 725. “Spouse”**

21       725. “Spouse” includes “registered domestic partner,” as required by Section  
22 297.5 of the Family Code.

23       **Comment.** Section 725 continues former Fish and Game Code Section 9.2 without change.

24       **§ 730. “Stamp”**

25       730 “Stamp” includes an electronic validation of privileges issued to the  
26 licensee.

27       **Comment.** Section 730 generalizes former Fish and Game Code Section 7700(d).

28       **§ 735. “State”**

29       735. “State” means the State of California, unless applied to the different parts  
30 of the United States. In the latter case, it includes the District of Columbia and the  
31 territories.

32       **Comment.** Section 735 continues former Fish and Game Code Section 83 without change.

33       **§ 740. “State waters”**

34       740. “State waters” means “waters of the state,” as defined in Section 790.

35       **Comment.** Section 740 continues a part of former Fish and Game Code Section 89.1 without  
36 change.

1 § 745. “Stock”

2 745. “Stock” means “population,” as defined in Section 625.

3 **Comment.** Section 745 generalizes a part of former Fish and Game Code Section 98.5.

4 § 750. “Sustainable,” “sustainable use,” and “sustainability”

5 750. “Sustainable,” “sustainable use,” and “sustainability,” with regard to a  
6 marine fishery, mean both of the following:

7 (a) Continuous replacement of resources, taking into account fluctuations in  
8 abundance and environmental variability.

9 (b) Securing the fullest possible range of present and long-term economic,  
10 social, and ecological benefits, maintaining biological diversity, and, in the case of  
11 fishery management based on maximum sustainable yield, taking in a fishery that  
12 does not exceed optimum yield.

13 **Comment.** Section 750 generalizes former Fish and Game Code Section 99.5.

14 § 755. “Take”

15 755. “Take” means hunt, pursue, catch, capture, or kill, or attempt to hunt,  
16 pursue, catch, capture, or kill.

17 **Comment.** Section 755 continues former Fish and Game Code Section 86 without change.

18 § 760. “Transport”

19 760. “Transport” includes offer or receive for transportation.

20 **Comment.** Section 760 continues former Fish and Game Code Section 88 without change.

21 § 765. “Trawl net”

22 765. “Trawl net” means a cone or funnel-shaped net that is towed or drawn  
23 through the water by a fishing vessel, and includes any gear appurtenant to the net.

24 **Comment.** Section 765 generalizes the first sentence of former Fish and Game Code Section  
25 8830.

26 § 770. “Troll line”

27 770. “Troll line” means a line with one or more hooks towed by a vessel  
28 underway and making way.

29 **Comment.** Section 770 generalizes former Fish and Game Code Section 9025.5(b).

30 § 775. “Upland game bird”

31 775. “Upland game bird” means any of the following birds:

32 (a) Band-tailed pigeon.

33 (b) California quail and varieties thereof.

34 (c) Dove of the genus *Streptopelia*, including, but not limited to, spotted dove,  
35 ringed turtledove, and Eurasian collared dove.

36 (d) Gambel’s or desert quail.

37 (e) Hungarian partridge.

1 (f) Jacksnipe.

2 (g) Mountain quail and varieties thereof.

3 (h) Red-legged partridge including the chukar and other varieties.

4 (i) Ring-necked pheasant and varieties thereof.

5 (j) Ruffed grouse.

6 (k) Sage hen or sage grouse.

7 (l) Sooty or blue grouse.

8 (m) Western mourning dove.

9 (n) White-tailed ptarmigan.

10 (o) White-winged dove.

11 (p) Wild turkey.

12 **Comment.** Section 775 continues former Fish and Game Code Section 3683 without  
13 substantive change.

14 **§ 780. “Vertical fishing line”**

15 780. “Vertical fishing line” means a fishing line that is anchored to the ocean  
16 bottom at one end and attached at the other end on the surface to a fishing vessel  
17 or a buoy.

18 **Comment.** Section 780 generalizes the part of the second sentence of former Fish and Game  
19 Code Section 9029.5 applicable to a vertical fishing line.

20 **§ 785. “Vessel owner”**

21 785. (a) “Vessel owner,” or a reference to an owner of a vessel, means the  
22 person or persons designated as the registered owner of a vessel, on a certificate of  
23 documentation issued by the United States Coast Guard or on a copy of the vessel  
24 registration issued by the vessel registration agency of the state where the owner is  
25 a resident.

26 (b) For purposes of this section, the vessel registration agency in California is  
27 the Department of Motor Vehicles.

28 **Comment.** Section 785 restates and generalizes former Fish and Game Code Section 7601.

29 **§ 790. “Waters of the state,” “waters of this state”**

30 790. “Waters of the state” or “waters of this state” have the same meaning as  
31 “waters of the state” as defined in subdivision (e) of Section 13050 of the Water  
32 Code.

33 **Comment.** Section 790 continues a part of former Fish and Game Code Section 89.1 without  
34 change. See also Section 740 (“state waters”).

35 **§ 795. “Week”**

36 795. “Week” means calendar week.

37 **Comment.** Section 795 continues the second clause of former Fish and Game Code Section 35  
38 without change.



1 of healthy and thriving wildlife resources and the public ownership status of the  
2 wildlife resources.

3 (g) To alleviate economic losses or public health or safety problems caused by  
4 wildlife to the people of the state either individually or collectively. That  
5 resolution shall be in a manner designed to bring the problem within tolerable  
6 limits consistent with economic and public health considerations and the  
7 objectives stated in subdivisions (a), (b), and (c).

8 (h) It is not intended that this policy shall provide any power to regulate natural  
9 resources or commercial or other activities connected therewith, except as  
10 specifically provided by the Legislature.

11 **Comment.** Section 54505 continues former Fish and Game Code Section 1801 without  
12 substantive change.

13 **§ 54510. Department jurisdiction**

14 54510. The department has jurisdiction over the conservation, protection, and  
15 management of fish, wildlife, native plants, and habitat necessary for biologically  
16 sustainable populations of those species. The department, as trustee for fish and  
17 wildlife resources, shall consult with lead and responsible agencies and shall  
18 provide, as available, the requisite biological expertise to review and comment  
19 upon environmental documents and impacts arising from project activities, as  
20 those terms are used in the California Environmental Protection Act (Division 13  
21 (commencing with Section 21000) of the Public Resources Code).

22 **Comment.** Section 54510 continues former Fish and Game Code Section 1802 without  
23 substantive change.

24 **TITLE 2. CONSERVATION OF AQUATIC**  
25 **RESOURCES**

26 **§ 54525. Policy**

27 54525. It is hereby declared to be the policy of the state to encourage the  
28 conservation, maintenance, and utilization of the living resources of the ocean and  
29 other waters under the jurisdiction and influence of the state for the benefit of all  
30 the citizens of the state and to promote the development of local fisheries and  
31 distant-water fisheries based in California in harmony with international law  
32 respecting fishing and the conservation of the living resources of the oceans and  
33 other waters under the jurisdiction and influence of the state. This policy shall  
34 include all of the following objectives:

35 (a) The maintenance of sufficient populations of all species of aquatic organisms  
36 to insure their continued existence.

37 (b) The recognition of the importance of the aesthetic, educational, scientific,  
38 and nonextractive recreational uses of the living resources of the California  
39 Current.

1 (c) The maintenance of a sufficient resource to support a reasonable sport use,  
2 where a species is the object of sport fishing, taking into consideration the  
3 necessity of regulating individual sport fishery bag limits to the quantity that is  
4 sufficient to provide a satisfying sport.

5 (d) The growth of local commercial fisheries, consistent with aesthetic,  
6 educational, scientific, and recreational uses of living resources, the utilization of  
7 unused resources, taking into consideration the necessity of regulating the catch  
8 within the limits of maximum sustainable yields, and the development of distant-  
9 water and overseas fishery enterprises.

10 (e) The management, on a basis of adequate scientific information promptly  
11 promulgated for public scrutiny, of the fisheries under the state’s jurisdiction, and  
12 the participation in the management of other fisheries in which California  
13 fishermen are engaged, with the objective of maximizing the sustained harvest.

14 (f) The development of commercial aquaculture.

15 **Comment.** Section 54525 continues former Fish and Game Code Section 1700 without  
16 substantive change.

17 TITLE 3. DEPARTMENT AUTHORITY

18 **§ 54550. Habitat improvement**

19 54550. (a) The department may expend any funds that may be necessary for the  
20 improvement of property, including nonnavigable lakes and streams, riparian  
21 zones, and upland, in order to restore, rehabilitate, and improve fish and wildlife  
22 habitat. The improvement activities may include, but are not limited to, the  
23 removal of barriers to migration of fish and wildlife and the improvement of  
24 hatching, feeding, resting, and breeding places for wildlife.

25 (b) The department may undertake the services and habitat improvement work  
26 on private, public, and public trust lands without the state acquiring an interest in  
27 the property.

28 **Comment.** Section 54550 continues former Fish and Game Code Section 1501 without  
29 substantive change.

30 **§ 54555. Contracts for habitat improvement**

31 54555. (a) The department may enter into contracts for fish and wildlife habitat  
32 preservation, restoration, and enhancement with public and private entities  
33 whenever the department finds that the contracts will assist in meeting the  
34 department’s duty to preserve, protect, and restore fish and wildlife.

35 (b) The department may grant funds for fish and wildlife habitat preservation,  
36 restoration, and enhancement to public agencies, Indian tribes, and nonprofit  
37 entities whenever the department finds that the grants will assist it in meeting its  
38 duty to preserve, protect, and restore fish and wildlife.

39 (c) Contracts authorized under this section are contracts for services and are  
40 governed by Article 4 (commencing with Section 10335) of Chapter 2 of Part 2 of

1 Division 2 of the Public Contract Code. No work under this section is public work  
2 or a public improvement, and is not subject to Chapter 1 (commencing with  
3 Section 1720) of Part 7 of Division 2 of the Labor Code.

4 (d) This section does not apply to contracts for any of the following:

5 (1) Construction of office, storage, garage, or maintenance buildings.

6 (2) Drilling wells and installation of pumping equipment.

7 (3) Construction of permanent hatchery facilities, including raceways, water  
8 systems, and bird enclosures.

9 (4) Construction of permanent surfaced roadways and bridges.

10 (5) Any project requiring engineered design or certification by a registered  
11 engineer.

12 (6) Any contract, except contracts with public agencies, nonprofit organizations,  
13 or Indian tribes that exceed fifty thousand dollars (\$50,000) in cost, excluding the  
14 cost for gravel, for fish and wildlife habitat preservation, restoration, and  
15 enhancement for any one of the following:

16 (A) Fish screens, weirs, and ladders.

17 (B) Drainage or other watershed improvements.

18 (C) Gravel and rock removal or placement.

19 (D) Irrigation and water distribution systems.

20 (E) Earthwork and grading.

21 (F) Fencing.

22 (G) Planting trees or other habitat vegetation.

23 (H) Construction of temporary storage buildings.

24 **Comment.** Section 54555 continues former Fish and Game Code Section 1501.5 without  
25 substantive change.

## 26 TITLE 4. SIGNIFICANT NATURAL AREAS

### 27 § 54575. Findings and declarations

28 54575. The Legislature finds and declares that:

29 (a) Areas containing diverse ecological and geological characteristics are vital to  
30 the continual health and well-being of the state's natural resources and of its  
31 citizens.

32 (b) Many habitats and ecosystems that constitute the state's natural diversity are  
33 in danger of being lost.

34 (c) Connectivity between wildlife habitats is important to the long-term viability  
35 of the state's biodiversity.

36 (d) Preserving and connecting high-quality habitat for wildlife can create habitat  
37 strongholds.

38 (e) Increasingly fragmented habitats threaten the state's wildlife species.

39 (f) There is an opportunity to provide incentive for private landowners to  
40 maintain and perpetuate significant local natural areas in their natural state.

1 (g) Efforts to preserve natural areas have been fragmented between federal,  
2 state, local, and private sectors.

3 (h) Analysis of the state’s habitat connectivity benefits from the consideration of  
4 all relevant data, including information from private and public landowners.

5 (i) The department’s existing mapping activities and products should be  
6 developed and sustained.

7 (j) The importance of wildlife corridors to assist in adapting to climate change  
8 has been recognized by such groups as the Western Governors’ Association,  
9 which unanimously approved a policy to protect wildlife migration corridors and  
10 crucial wildlife habitat in 2007. Individual local, state, and federal agencies have  
11 also adopted policies aimed at protecting wildlife corridors and habitat  
12 connectivity, in order to protect ecosystem health and biodiversity and to improve  
13 the resiliency of wildlife and their habitats to climate change. However, these  
14 efforts could be enhanced through establishment of a statewide policy to protect  
15 important wildlife corridors and habitat linkages where feasible and practicable.

16 **Comment.** Section 54575 continues former Fish and Game Code Section 1930 without  
17 substantive change.

18 **§ 54580. Identification of wildlife corridors**

19 54580. (a) Contingent upon funding being provided by the Wildlife  
20 Conservation Board from moneys available pursuant to Section 75055 of the  
21 Public Resources Code, or from other appropriate bond funds, upon appropriation  
22 by the Legislature, the department shall investigate, study, and identify those areas  
23 in the state that are most essential as wildlife corridors and habitat linkages, as  
24 well as the impacts to those wildlife corridors from climate change, and shall  
25 prioritize vegetative data development in these areas.

26 (b) It is the intent of the Legislature that the Wildlife Conservation Board use  
27 various funds to work with the department to complete a statewide analysis of  
28 wildlife corridors and connectivity to support conservation planning and climate  
29 change adaptation activities.

30 **Comment.** Section 54580 continues former Fish and Game Code Section 1930.5(a)-(b)  
31 without substantive change.

32 **§ 54585. Significant Natural Areas Program**

33 54585. There is hereby established the Significant Natural Areas Program,  
34 which shall be administered by the department. The department, in administering  
35 this program, shall do all of the following:

36 (a) Obtain access to the most recent information with respect to natural  
37 resources. In order to accomplish this, the department shall maintain, expand, and  
38 keep current a data management system, designated the California Natural  
39 Diversity Data Base, designed to document information on these resources. That  
40 data shall be made available to interested parties on request.

1 (b) Develop and maintain a spatial data system that identifies those areas in the  
2 state that are most essential for maintaining habitat connectivity, including wildlife  
3 corridors and habitat linkages. This data should include information essential for  
4 evaluating the needs of wildlife species that require habitat connectivity for their  
5 long-term conservation, including distribution and movement patterns.

6 (c) As appropriate, develop and maintain the database by incorporating mapping  
7 products and data developed by other state agencies.

8 (d) Make all of the data sets, and associated analytical products, available to the  
9 public and other government entities.

10 (e) Ensure cost sharing by all who use the data management system and develop  
11 an appropriate schedule of compensation to be paid by individuals using the data  
12 management system, not to exceed the actual costs for use of the data management  
13 system.

14 (f) Ensure recognition of the state’s most significant natural areas, including  
15 those affected by climate change. The department shall, after consultation with  
16 federal, state, and local agencies, education institutions, civic and public interest  
17 organizations, private organizations, landowners, and other private individuals,  
18 identify by means of periodic reports those natural areas deemed to be most  
19 significant.

20 (g) Seek the maintenance and perpetuation of the state’s most significant natural  
21 areas for present and future generations in the most feasible manner. The  
22 department shall consider alternative approaches for that maintenance, including  
23 alternatives to fee acquisition such as incentives, leasing, and dedication.

24 (h) Reduce unnecessary duplication of effort. The department shall provide  
25 coordinating services to federal, state, local, and private interests wishing to aid in  
26 the maintenance and perpetuation of significant natural areas.

27 (i) Actively pursue grants and cost-sharing opportunities with local, state, or  
28 federal agencies, or private entities that use the data sets and benefit from their  
29 creation and maintenance.

30 **Comment.** Section 54585 continues former Fish and Game Code Section 1932 without  
31 substantive change.

32 **Note.** Existing Section 1932(b) incorporates the definition of “wildlife” provided in Section  
33 89.5. That language is not continued here, because the Commission is proposing to generalize  
34 Section 89.5 so that its definition of “wildlife” applies to the entire code.

35 **§ 54590. Vegetation mapping standard**

36 54590. (a) The department shall undertake the development of a vegetation  
37 mapping standard for the state.

38 (b) The development of a state vegetation mapping standard by the department  
39 shall be done in consultation with interested stakeholders, including, but not  
40 limited to, government agencies, nongovernmental conservation organizations,  
41 landowners, agriculture, recreation, scientific entities, and industry. Components  
42 of the standard shall include the following:

1 (1) A published classification system for all natural and seminatural vegetation  
2 communities present in California with sufficient detail to meet the analytical  
3 needs of government and nongovernment entities. The classification shall be  
4 consistent with national standards adopted by the Federal Geographic Data  
5 Committee.

6 (2) Methods for field data collection, image interpretation, and digital map  
7 production and attribution.

8 (3) Manuals, training materials, tools, and database structures for use by parties  
9 interested in performing vegetation mapping according to the standard.

10 (4) Documented methods for performing postproject accuracy assessments to  
11 quantify the validity of the work. Private and public landowners shall be given  
12 reasonable opportunity to review, and comment on the accuracy of, the data  
13 collected on their lands.

14 (5) Mechanisms for integrating new map products that meet the standard into a  
15 cohesive database with the intent of eventually completing statewide coverage.

16 (c) The department shall submit a report to the budget committee of each house  
17 of the Legislature no later than January 10, 2008, providing its mapping standard  
18 and advising how the department will ensure that its standard will be updated to  
19 reflect changing technology and serve as the state's center of expertise on  
20 vegetation mapping.

21 (d) The department may adopt regulations to implement this section.

22 **Comment.** Section 54590 continues former Fish and Game Code Section 1940 without  
23 substantive change.

24 **§ 54595. Cooperation with public and private entities**

25 54595. (a) The Legislature further finds and declares that it is the policy of this  
26 state to encourage the cooperation of federal, state, local, and private sectors,  
27 including private organizations and individuals, in efforts to maintain the state's  
28 most significant natural areas.

29 (b) In carrying out its responsibilities pursuant to this title, the department shall  
30 solicit and utilize all relevant results of existing studies and information from local  
31 government, state, and federal agencies, academic institutions, nonprofit  
32 organizations, certified environmental documents, private and public landowners,  
33 and agricultural and rangeland information developed by the Department of  
34 Conservation and agriculture associations.

35 (c) The department shall seek input from representatives of other state agencies,  
36 local government, federal agencies, nongovernmental conservation organizations,  
37 landowners, agriculture, recreation, scientific entities, and industry in determining  
38 essential wildlife corridors and habitat linkages.

39 (d) Private and public landowners shall be given a reasonable opportunity to  
40 review and comment on the wildlife characteristics of their land if it is identified  
41 pursuant to this title. The department shall utilize all relevant information when  
42 developing data sets and associated analytical products pursuant to this title.

1       **Comment.** Subdivision (a) of Section 54595 continues former Fish and Game Code Section  
2 1931 without substantive change.

3       Subdivisions (b)-(d) continue former Fish and Game Code Section 1932.5(a)-(b) without  
4 substantive change.

5       **§ 54600. Voluntary protections**

6       54600. (a) It is the policy of the state to promote the voluntary protection of  
7 wildlife corridors and habitat strongholds in order to enhance the resiliency of  
8 wildlife and their habitats to climate change, protect biodiversity, and allow for the  
9 migration and movement of species by providing connectivity between habitat  
10 lands. In order to further these goals, it is the policy of the state to encourage,  
11 wherever feasible and practicable, voluntary steps to protect the functioning of  
12 wildlife corridors through various means, as applicable and to the extent feasible  
13 and practicable, those means may include, but are not limited to:

14       (1) Acquisition or protection of wildlife corridors as open space through  
15 conservation easements.

16       (2) Installing of wildlife-friendly or directional fencing.

17       (3) Siting of mitigation and conservation banks in areas that provide habitat  
18 connectivity for affected fish and wildlife resources.

19       (4) Provision of roadway undercrossings, overpasses, oversized culverts, or  
20 bridges to allow for fish passage and the movement of wildlife between habitat  
21 areas.

22       (b) The fact that a project applicant does not take voluntary steps to protect the  
23 functioning of a wildlife corridor prior to initiating the application process for a  
24 project shall not be grounds for denying a permit or requiring additional mitigation  
25 beyond what would be required to mitigate project impacts under other applicable  
26 laws, including, but not limited to, the California Endangered Species Act  
27 (Chapter 1.5 (commencing with Section 2050) of Division 3) and the California  
28 Environmental Quality Act (Division 13 (commencing with Section 21000) of the  
29 Public Resources Code).

30       (c) The Legislature finds and declares that there are a number of existing efforts,  
31 including, but not limited to, efforts involving working landscapes, that are already  
32 working to achieve the policy described in subdivisions (a) and (b).

33       (d) Subdivisions (a) and (b) shall not be construed to create new regulatory  
34 requirements or modify the requirements of paragraphs (2) and (5) of subdivision  
35 (d) of Section 64580 or the California Environmental Quality Act (Division 13  
36 (commencing with Section 21000) of the Public Resources Code).

37       **Comment.** Section 54600 continues former Fish and Game Code Section 1930.5(c)-(e)  
38 without substantive change.

39       **§ 54605. Disclaimers**

40       54605. (a) This title does not require, mandate, or authorize, under state or  
41 federal law, any state or local planning, zoning, or other land use action or  
42 decision.

1 (b) This title does not alter any legal rights and privileges, under state or federal  
2 law, of ownership or use of privately or publicly owned property.

3 (c) The Legislature finds and declares that the data sets and associated analytical  
4 products required pursuant to this title are for inventory and planning purposes and  
5 may not be suitable to support regulatory actions without additional specificity or  
6 information.

7 (d) No authority or responsibility provided for in this title shall, of itself, change  
8 or prevent the change of the use of any area identified pursuant to the Significant  
9 Natural Areas Program.

10 **Comment.** Subdivisions (a) through (c) of Section 54605 continue former Fish and Game  
11 Code Section 1932.5(c)-(e) without substantive change.

12 Subdivision (d) continues former Fish and Game Code Section 1933 without substantive  
13 change.

14 **PART 2. HABITAT CONSERVATION AND ENHANCEMENT**  
15 **PROGRAMS**

16 **TITLE 1. WILDLIFE CONSERVATION LAW**  
17 **OF 1947**

18 **CHAPTER 1. GENERAL PROVISIONS**

19 **§ 54700. Short title**

20 54700. This title is known and may be cited as the Wildlife Conservation Law of  
21 1947.

22 **Comment.** Section 54700 continues former Fish and Game Code Section 1300 without  
23 substantive change.

24 **§ 54705. Definitions**

25 54705. For the purposes of this title, “board” means the Wildlife Conservation  
26 Board.

27 **Comment.** Section 54705 is new. It is comparable to former Fish and Game Code Sections  
28 1320 and 1361(a).

29 **§ 54710. Policy**

30 54710. The preservation, protection and restoration of wildlife within the state is  
31 an inseparable part of providing adequate recreation for our people in the interest  
32 of public welfare; and it is the policy of the state to acquire and restore to the  
33 highest possible level, and maintain in a state of high productivity, those areas that  
34 can be most successfully used to sustain wildlife and which will provide adequate  
35 and suitable recreation. To carry out these purposes, a single and coordinated  
36 program for the acquisition of lands and facilities suitable for recreational

1 purposes, and adaptable for conservation, propagation, and utilization of the fish  
2 and game resources of the state, is established.

3 **Comment.** Section 54710 continues former Fish and Game Code Section 1301 without  
4 substantive change.

## 5 CHAPTER 2. WILDLIFE CONSERVATION BOARD

### 6 Article 1. Administration

#### 7 § 54750. Establishment and composition of board

8 54750. (a) There is in the department the Wildlife Conservation Board.

9 (b) The board consists of the president of the commission, the director, the  
10 Director of Finance, and four public members appointed pursuant to subdivisions  
11 (b) through (e), inclusive.

12 (c) The Speaker of the Assembly and the Senate Committee on Rules shall each  
13 appoint a public member to serve on the board and the Governor shall appoint two  
14 public members to serve on the board.

15 (d) The public members shall each serve a term of four years. If a vacancy  
16 occurs during the term of a public member, the appointing authority shall appoint  
17 a person to fill the vacancy for a term of four years.

18 (e) Each public member shall have demonstrated interest and expertise in land  
19 acquisition for conservation purposes, including, but not limited to, any of the  
20 following:

21 (1) Experience with activities that benefit disadvantaged communities identified  
22 pursuant to Section 39711 of the Health and Safety Code.

23 (2) Experience with a land conservation nonprofit organization, a public agency  
24 focused on land conservation, or public land management.

25 (3) Experience as a professional with expertise in one or more functions of the  
26 board, including conservation easements or other interests in real estate designed  
27 to further the mission of the board.

28 **Comment.** Section 54750 continues former Fish and Game Code Section 1320 without  
29 substantive change.

#### 30 § 54755. Board chair

31 54755. The board's chair shall be elected by the members of the board.

32 **Comment.** Section 54755 continues former Fish and Game Code Section 1321 without  
33 substantive change.

#### 34 § 54760. Travel expenses

35 54760. The members of the board shall receive their actual and necessary  
36 traveling expenses, which shall be paid from the Wildlife Restoration Fund.

37 **Comment.** Section 54760 continues former Fish and Game Code Section 1322 without  
38 substantive change.



1       **Comment.** Section 54805 continues former Fish and Game Code Section 1347 without  
2 substantive change.

3       **§ 54810. Consideration of greenhouse gas emissions**

4       54810. The board, when it prioritizes the use of available funds for proposed  
5 acquisitions, with regard to the priority of a proposal to acquire forestland, may  
6 consider and take into account the potential of that proposed acquisition to  
7 beneficially reduce or sequester greenhouse gas emissions. The board may use  
8 policies, protocols, or other relevant information developed by the California  
9 Climate Action Registry as a basis for determining a project’s potential to reduce  
10 or sequester greenhouse gas emissions.

11       **Comment.** Section 54810 continues former Fish and Game Code Section 1356 without  
12 substantive change.

13       **§ 54815. Acquisition of property rights**

14       54815. (a)(1) The board shall authorize the acquisition of real property, rights in  
15 real property, water, or water rights as may be necessary to carry out the purposes  
16 of this title.

17       (2) The board may authorize acquisition by the department, but the department  
18 shall not acquire any property pursuant to this subdivision by eminent domain  
19 proceedings except that property as may be necessary to provide access roads or  
20 rights-of-way to areas to be used for fishing the coastal waters of the Pacific  
21 Ocean, and then only if the board of supervisors of the affected county has agreed  
22 by resolution to those proceedings for each parcel of land, and has further agreed  
23 by resolution to maintain the road or right-of-way.

24       (3) The board may authorize acquisition by the State Public Works Board,  
25 which may effect acquisitions pursuant to the Property Acquisition Law, Part 11  
26 (commencing with Section 15850) of Division 3 of Title 2 of the Government  
27 Code.

28       (b) For the purposes of this title and Title 12 (commencing with Section 57700),  
29 the board may authorize the acquisition of interests in real property and water  
30 rights by means of gifts, purchases, leases, easements, the transfer or exchange of  
31 property for other property of like value, transfers of development rights or credits,  
32 and purchases of development rights, conservation easements, and other interests.

33       (c) To further implement this title and Title 12 (commencing with Section  
34 57700), the board may authorize the department to do any of the following:

35       (1) Accept federal grants and receive gifts, donations, subventions, rents,  
36 royalties, and other financial support from public or private sources. Proceeds  
37 received from any of these sources shall be deposited in the Wildlife Restoration  
38 Fund.

39       (2) Notwithstanding any other provision of law, lease, sell, exchange, or  
40 otherwise transfer any real property, interest in real property, or option acquired by  
41 or held under the jurisdiction of the board or the department. Except as provided in

1 Section 54870, proceeds from transactions entered into pursuant to this paragraph  
2 shall be deposited in the Wildlife Restoration Fund.

3 (3) Lease degraded potential wildlife habitat real property to nonprofit  
4 organizations, local governmental agencies, or state and federal agencies if the  
5 lessee agrees to restore the real property to its highest possible wildlife habitat  
6 value and maintain the real property at that highest possible wildlife habitat value.  
7 If feasible, during the period of lease, the board may require that the real property  
8 be open to the public for compatible recreational opportunities. Proceeds from any  
9 lease or rental and interest thereon shall be deposited in the Wildlife Restoration  
10 Fund.

11 (4) Acquire former wildlife habitat real property, including riparian habitat real  
12 property, restore and sell the real property, or any interest therein, to private  
13 owners, local governmental agencies, or state departments and agencies, or  
14 exchange the property for other real property, if a written and recorded agreement  
15 is first secured to keep and maintain the real property as wildlife habitat in  
16 perpetuity. The agreement shall contain a reversion if the real property sold or  
17 exchanged is not maintained as wildlife habitat. The agreement containing the  
18 reversion shall be set forth in any conveyance transferring any real property,  
19 interest in real property, or option subject to this section. Proceeds from the sales  
20 shall be deposited in the Wildlife Restoration Fund.

21 **Comment.** Section 54815 continues former Fish and Game Code Section 1348 without  
22 substantive change.

23 **§ 54820. Acquisition of property for public access**

24 54820. The board may authorize the acquisition of any lands or rights in land  
25 that may be necessary for the purpose of furnishing public access to lands or  
26 waters open to the public for fishing, hunting and shooting. The board may  
27 authorize that acquisition by the department.

28 **Comment.** Section 54820 continues former Fish and Game Code Section 1354 without  
29 substantive change.

30 **§ 54825. Notice of intent to acquire property**

31 54825. Before the board authorizes the purchase of any land, or any interest  
32 therein, the board shall notify all owners of record of adjacent parcels of land of  
33 the intent of the board to purchase the land. The notice to the adjacent owners of  
34 land and the public notice shall include an explanation of the proposed use of the  
35 land by the department.

36 **Comment.** Section 54825 continues former Fish and Game Code Section 1348.1 without  
37 substantive change.

38 **§ 54830. Purchase price of acquired property**

39 54830. When the board acquires real property, other than by eminent domain,  
40 the purchase price for the real property shall not exceed the fair market value of

1 the property, as defined in Section 1263.320 of the Code of Civil Procedure. The  
2 fair market value shall be set forth in an appraisal that is (a) prepared by a licensed  
3 real estate appraiser, and (b) approved by the Department of General Services.

4 **Comment.** Section 54830 continues former Fish and Game Code Section 1348.2 without  
5 substantive change.

6 **§ 54835. Condemnation of wildlife conservation easement**

7 54835. (a) No governmental entity may condemn any wildlife conservation  
8 easement acquired by a state agency, except as provided in subdivision (b). As  
9 used in this section, the following terms have the following meanings:

10 (1) “Public use” as used in Article 6 (commencing with Section 1240.510) and  
11 Article 7 (commencing with Section 1240.610) of Chapter 3 of Title 7 of Part 3 of  
12 the Code of Civil Procedure means privately owned lands managed for habitat in  
13 public trust.

14 (2) “Wildlife conservation easement” means a recorded conservation easement,  
15 as defined in Section 815.1 of the Civil Code, that exists or will exist for at least  
16 10 years and that is acquired and held by a state agency and administered  
17 primarily for the benefit of wildlife.

18 (b) Prior to the initiation by a governmental entity of condemnation proceedings  
19 against a wildlife conservation easement acquired by a state agency, the  
20 governmental entity shall give notice to the holder of the easement, provide an  
21 opportunity for the holder of the easement to consult with the governmental  
22 agency, provide the holder of the easement the opportunity to state its objections  
23 to the condemnation, and provide a response to the objections. Article 6  
24 (commencing with Section 1240.510) and Article 7 (commencing with Section  
25 1240.610) of Chapter 3 of Title 7 of Part 3 of the Code of Civil Procedure shall  
26 apply to condemnation proceedings initiated by a governmental entity against a  
27 wildlife conservation easement acquired by a state agency. In those proceedings,  
28 the condemning governmental entity shall be required to prove by clear and  
29 convincing evidence that its proposed use satisfies the requirements of Article 6  
30 (commencing with Section 1240.510) or Article 7 (commencing with Section  
31 1240.610) of Chapter 3 of Title 7 of Part 3 of the Code of Civil Procedure.

32 **Comment.** Section 54835 continues former Fish and Game Code Section 1348.3(a)(1), (a)(3),  
33 and (b) without substantive change.

34 **Note.** Existing Section 1348.3(a)(2) incorporates the definition of “wildlife” provided in  
35 Section 89.5. That provision is not continued here, because the Commission is proposing to  
36 generalize Section 89.5 so that its definition of “wildlife” applies to the entire code.

37 **§ 54840. Farm lands**

38 54840. No farm lands may be acquired under the provisions of this title by  
39 proceedings in eminent domain except by specific authorization of the Legislature,  
40 notwithstanding any provision of Section 54815. Nothing in this section shall

1 apply to any proceedings to acquire farm lands when the owner thereof has  
2 consented to, or requested the institution of, the proceedings.

3 **Comment.** Section 54840 continues former Fish and Game Code Section 1349 without  
4 substantive change.

5 **§ 54845. Receipt of grants, gifts, donations, and other financial support**

6 54845. The department, when authorized by the board, may apply for and accept  
7 federal grants, and receive gifts, donations, and other financial support from public  
8 or private sources to be used for fish and wildlife habitat enhancement, including  
9 riparian habitat restoration projects on real property or waters for which the state  
10 obtains an interest. Funds received from any of those sources shall be deposited in  
11 the Wildlife Restoration Fund.

12 **Comment.** Section 54845 continues former Fish and Game Code Section 1350(b) without  
13 substantive change.

14 **§ 54850. Award of grant or loan**

15 54850. (a) The board may award grants or loans to nonprofit organizations, local  
16 governmental agencies, federal agencies, and state agencies for the purposes of  
17 fish and wildlife habitat restoration, enhancement, management, protection and  
18 improvement of riparian resources, and for development of compatible public  
19 access facilities in the same manner and subject to the same terms and conditions  
20 as prescribed in Section 31116 of the Public Resources Code.

21 (b) Proceeds from repayment of any loans and the interest thereon shall be  
22 deposited in the Wildlife Restoration Fund.

23 **Comment.** Section 54850 continues former Fish and Game Code Section 1350(c) without  
24 substantive change.

25 **§ 54855. Construction of facilities**

26 54855. (a) The department shall, when authorized by the board, construct in  
27 accordance with law any facilities that are suitable for the purpose for which the  
28 real property or rights in real property or water, or water rights were acquired.  
29 Each completed project shall be managed and maintained by the department.

30 (b) The department, with the approval of the board, may enter into agreements  
31 with any other department or agency of this state, any local agency, or nonprofit  
32 organization, to provide for the construction, management, or maintenance of the  
33 facilities authorized by the board, and the other department or agency of this state,  
34 local agency, or nonprofit organization, and each of them may construct, manage,  
35 or maintain those facilities pursuant to the agreement.

36 (c) Work performed by a local agency or nonprofit organization under those  
37 agreements is exempt from Chapter 3 (commencing with Section 14250), of Part 5  
38 of Division 3 of Title 2 of the Government Code. However, nothing in this section,  
39 Section 54845, or Section 54850 shall be construed to exempt any work from Part  
40 7 (commencing with Section 1720) of Division 2 of the Labor Code.

1       **Comment.** Section 54855 continues former Fish and Game Code Section 1350(a) without  
2 substantive change.

3       📌 **Note:** Existing Section 1350(a) includes a reference to “Chapter 3 (commencing with Section  
4 14250), of Part 5 of Division 3 of Title 2 of the Government Code.” The specified chapter does  
5 not commence with Section 14250. It commences with Section 14200. The subject of that chapter  
6 is state employee telecommuting, which seems inapt. **The Commission invites comment on  
7 how to correct the apparently erroneous cross-reference.**

8       **§ 54860. Purchase of equipment**

9       54860. The board may purchase any boats, aircraft, or equipment that it deems  
10 necessary for the use of the department for the improvement and protection of  
11 marine fisheries.

12       **Comment.** Section 54860 continues former Fish and Game Code Section 1353 without  
13 substantive change.

14       **§ 54865. Public access to recreational areas**

15       54865. Each recreational area shall be so managed and controlled that the public  
16 shall have access to and use of the area for all recreational purposes.

17       **Comment.** Section 54865 continues former Fish and Game Code Section 1351 without  
18 substantive change.

19       **§ 54870. Proceeds from sale or disposition of fish hatchery**

20       54870. The net proceeds of the sale or other disposition of real property used as  
21 a fish hatchery that has been acquired by or is under the jurisdiction of the board  
22 or the department, either in easement or in fee, shall be deposited in the Wildlife  
23 Restoration Fund or the Fish and Game Preservation Fund, as determined by the  
24 board, and shall be available for acquisition, enhancement, restoration, or  
25 construction projects for the benefit of wildlife.

26       **Comment.** Section 54870 continues former Fish and Game Code Section 1355 without  
27 substantive change.

28       **§ 54875. Wildlife Restoration Fund**

29       54875. (a) The money in the Wildlife Restoration Fund, as provided for by  
30 Section 19632 of the Business and Professions Code, is available for expenditure  
31 under any provision of this title.

32       (b) All federal moneys made available for projects authorized by the board shall  
33 be deposited in the Wildlife Restoration Fund. Any unexpended balances of the  
34 federal moneys remaining on or after June 30, 1979, in any other fund shall be  
35 transferred to the Wildlife Restoration Fund.

36       (c) Any moneys received in the Wildlife Restoration Fund from leases  
37 authorized pursuant to paragraph (2) or (3) of subdivision (c) of Section 54815  
38 shall be expended, upon appropriation, by the department for the purposes of  
39 managing, maintaining, restoring, or operating lands owned and managed by the  
40 department.

1 **Comment.** Section 54875 continues former Fish and Game Code Section 1352 without  
2 substantive change.

3  **Note.** Existing Section 1352(b) provides:

4 “All federal moneys made available for projects authorized by the board shall be deposited in the  
5 Wildlife Restoration Fund. Any unexpended balances of the federal moneys remaining on or after  
6 June 30, 1979, in any other fund shall be transferred to the Wildlife Restoration Fund.”

7 The second sentence of that subdivision required action in 1979. **The Commission invites**  
8 **comment on whether it can be repealed as obsolete.**

9 **§ 54880. San Francisco Baylands Restoration Program**

10 54880. (a) The San Francisco Baylands Restoration Program Account is hereby  
11 established within the Wildlife Restoration Fund, as provided for by Section  
12 19632 of the Business and Professions Code, for the purpose of acquiring and  
13 restoring wetlands and lands that may be enhanced to support wetlands in the San  
14 Francisco Bay area in order to achieve the objectives of the Baylands Ecosystem  
15 Habitat Goals Report (Goals Report).

16 (b) Funds in the account may be expended by the board to acquire any lands  
17 identified in the Goals Report that are available for acquisition subject to the  
18 following conditions:

19 (1) The purchase price shall not exceed the fair market value of the property, as  
20 determined by an appraisal conducted pursuant to Section 54830. The appraisal  
21 shall also consider and describe all the specific requirements and restrictions of  
22 relevant state and federal laws, including, but not limited to, the McAteer-Petris  
23 Act (Title 7.2 (commencing with Section 66600) of the Government Code),  
24 related to the property value and development potential of lands considered for  
25 acquisition in the shoreline band of the San Francisco Bay area.

26 (2) The board has determined any of the following:

27 (A) Funds are available to implement the recommendations and objectives of the  
28 Goals Report for a significant portion of the property to be acquired by the board.

29 (B) Sufficient funding and authority exists for the long-term maintenance of all  
30 levees and dikes and all other land-use management requirements necessary to  
31 avoid environmental degradation for the property proposed to be acquired by the  
32 board.

33 (C) The property to be acquired by the board has no unique long-term  
34 maintenance requirements or has no land-use management requirements necessary  
35 to avoid environmental degradation.

36 (3) If the board determines to acquire all or a portion of the Cargill property, a  
37 matching federal appropriation for the acquisition of the Cargill property shall be  
38 deposited into an account solely for the acquisition of the Cargill property or a  
39 portion thereof.

40 (4) The board has consulted with the State Coastal Conservancy and determined  
41 that the proposed acquisition is consistent with most of the goals of the San

1 Francisco Bay Area Conservancy Program, as described in Section 31162 of the  
2 Public Resources Code.

3 (5) The acquisition of the property will not result in any liability to the state for  
4 the cleanup of hazardous materials.

5 (c) “Cargill property,” for purposes of this section, means all property owned by  
6 the Cargill Salt Division that Cargill proposes to sell to the state and federal  
7 governments.

8 **Comment.** Section 54880 continues former Fish and Game Code Section 1352.5 without  
9 substantive change.

10 **§ 54885. Cooperation with federal agencies**

11 54885. The board may act either independently or may cooperate with the  
12 United States Fish and Wildlife Service, Department of Interior, or any other  
13 federal agency in determining any of the questions referred to in this title, or in the  
14 acquisition and construction of any of the projects mentioned in this title.

15 **Comment.** Section 54885 continues former Fish and Game Code Section 1375 without  
16 substantive change.

17 **CHAPTER 3. OAK WOODLANDS CONSERVATION ACT**

18 **Article 1. General Provisions**

19 **§ 54900. Short title**

20 54900. This chapter shall be known, and may be cited, as the Oak Woodlands  
21 Conservation Act.

22 **Comment.** Section 54900 continues former Fish and Game Code Section 1360 without  
23 substantive change.

24 **§ 54905. Definitions**

25 54905. For purposes of this chapter, the following terms have the following  
26 meanings:

27 (a) “Conservation easement” means a conservation easement, as defined in  
28 Section 815.1 of the Civil Code.

29 (b) “Fund” means the Oak Woodlands Conservation Fund.

30 (c) “Land improvement” means restoration or enhancement of biologically  
31 functional oak woodlands habitat.

32 (d) “Local government entity” means any city, county, city and county, district,  
33 or other local government entity, if the entity is otherwise authorized to acquire  
34 and hold title to real property.

35 (e) “Nonprofit organization” means a tax-exempt nonprofit organization that  
36 meets the requirements of subdivision (a) of Section 815.3 of the Civil Code.

37 (f) “Oak” means any species in the genus *Quercus*.

1 (g) “Oak woodlands” means an oak stand with a greater than 10 percent canopy  
2 cover or that may have historically supported greater than 10 percent canopy  
3 cover.

4 (h) “Oak woodlands management plan” means a plan that provides protection  
5 for oak woodlands over time and compensates private landowners for conserving  
6 oak woodlands.

7 (i) “Special oak woodlands habitat elements” means multi- and single-layered  
8 canopy, riparian zones, cavity trees, snags, and downed woody debris.

9 **Comment.** Section 54905 continues former Fish and Game Code Section 1361(b)-(j) without  
10 substantive change. See Section 54705 (“board” defined for purposes of chapter).

11 **§ 54910. Legislative intent**

12 54910. It is the intent of the Legislature that this chapter accomplish all of the  
13 following:

14 (a) Support and encourage voluntary, long-term private stewardship and  
15 conservation of California’s oak woodlands by offering landowners financial  
16 incentives to protect and promote biologically functional oak woodlands over  
17 time.

18 (b) Provide incentives to protect and encourage farming and ranching operations  
19 that are operated in a manner that protects and promotes healthy oak woodlands.

20 (c) Provide incentives for the protection of oak trees providing superior wildlife  
21 values on private lands.

22 (d) Encourage local land use planning that is consistent with the preservation of  
23 oak woodlands, particularly special oak woodlands habitat elements.

24 (e) Provide guidelines for spending the funds allocated for oak woodlands  
25 pursuant to the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal  
26 Protection Bond Act of 2000 (the Villaraigosa-Keeley Act (Chapter 1.692  
27 (commencing with Section 5096.300) of Division 5 of the Public Resources  
28 Code)).

29 (f) Establish a fund for oak woodlands conservation, to which future  
30 appropriations for oak woodlands protection may be made, and specify grant  
31 making guidelines.

32 **Comment.** Section 54910 continues former Fish and Game Code Section 1362 without  
33 substantive change.

34 **§ 54915. Authority to affect local policy or land use decisionmaking**

35 54915. Nothing in this chapter grants any new authority to the board or any  
36 other agency, office, or department to affect local policy or land use  
37 decisionmaking.

38 **Comment.** Section 54915 continues former Fish and Game Code Section 1372 without  
39 substantive change.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

Article 2. Oak Woodlands Conservation Fund

**§ 54925. Fund established**

54925. The Oak Woodlands Conservation Fund is hereby created in the State Treasury. The fund shall be administered by the board. Moneys in the fund may be expended, upon appropriation by the Legislature, for the purposes of this chapter.

**Comment.** Section 54925 continues former Fish and Game Code Section 1363(a) without substantive change.

**§ 54930. Deposits**

54930. Money may be deposited into the Oak Woodlands Conservation Fund from gifts, donations, funds appropriated by the Legislature for the purposes of this chapter, or from federal grants or loans or other sources, and shall be used for the purpose of implementing this chapter, including administrative costs. Funds from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code)), but not including funds dedicated as matching funds for the federal Forest Legacy Program, shall be deposited in the fund.

**Comment.** Section 54930 continues former Fish and Game Code Section 1363(b) without substantive change.

**§ 54935. Minimum deposit requirement**

54935. No money may be expended from the fund to adopt guidelines or to administer the fund until at least one million dollars (\$1,000,000) is deposited in the fund.

**Comment.** Section 54935 continues former Fish and Game Code Section 1370 without substantive change.

**§ 54940. Use of funds**

54940. (a) The purposes for which moneys in the fund may be used include all of the following:

(1) Grants for the purchase of oak woodlands conservation easements. Any entity authorized to hold a conservation easement under Section 815.3 of the Civil Code may hold a conservation easement pursuant to this chapter. The holder of the conservation easement shall ensure, on an annual basis, that the conservation easement conditions have been met for that year.

(2) Grants for land improvement.

(3) Cost-sharing incentive payments to private landowners who enter into long-term conservation agreements. An agreement shall include management practices that benefit oak woodlands and promote the economic sustainability of farming and ranching operations.

1 (4) Public education and outreach by local government entities, park and open-  
2 space districts, resource conservation districts, and nonprofit organizations. The  
3 public education and outreach shall identify and communicate the social,  
4 economic, agricultural, and biological benefits of strategies to conserve oak  
5 woodlands habitat values, including watershed protection benefits that reduce soil  
6 erosion, increase streamflows, and increase water retention and sustainable  
7 agricultural operations.

8 (5) Assistance to local government entities, park and open-space districts,  
9 resource conservation districts, and nonprofit organizations for the development  
10 and implementation of oak conservation elements in local general plans.

11 (6) Technical assistance consistent with the purpose of preserving oak  
12 woodlands.

13 (b) Not more than 20 percent of all grants made by the board pursuant to this  
14 chapter may be used for the purposes described in paragraphs (4), (5), and (6) of  
15 subdivision (a). Not less than 80 percent of funds available for grants pursuant to  
16 this chapter shall be expended for the purposes described in paragraphs (1), (2),  
17 and (3) of subdivision (a).

18 (c) Moneys in the fund shall be available to local government entities, park and  
19 open-space districts, resource conservation districts, private landowners, and  
20 nonprofit organizations for the purposes set forth in subdivision (a).

21 **Comment.** Subdivisions (a) and (b) of Section 54940 continue former Fish and Game Code  
22 Section 1363(d)-(e) without substantive change.

23 Subdivision (c) continues former Fish and Game Code Section 1364 without substantive  
24 change.

25 **§ 54945. California Forest Legacy Program**

26 54945. To the extent consistent with the Safe Neighborhood Parks, Clean Water,  
27 Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act  
28 (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public  
29 Resources Code)), the board may use money designated for the preservation and  
30 restoration of oak woodlands in the Oak Woodlands Conservation Fund for  
31 projects in conjunction with the California Forest Legacy Program (Division 10.5  
32 (commencing with Sec. 12200) of the Public Resources Code)), but only for the  
33 purposes specified in this chapter and only if the following requirements are met:

34 (a) The Department of Forestry and Fire Protection shall make an initial  
35 recommendation to the board.

36 (b) The board may deny any initial recommendation to the Department of  
37 Forestry and Fire Protection. Subsequently, if the department alters an initial  
38 proposal, in a manner that the board determines to be significant, the board may  
39 withdraw its initial approval of the recommendation at any time during the  
40 process.

41 **Comment.** Section 54945 continues former Fish and Game Code Section 1363(c) without  
42 substantive change.

1    **§ 54950. Memorandum of understanding with Department of Forestry and Fire Protection**

2       54950. On or before April 1, 2002, the board and the Department of Forestry  
3 and Fire Protection shall develop a memorandum of understanding regarding the  
4 protection of oak woodlands that does all of the following:

5       (a) If necessary, creates a specific process for working together to use money  
6 from the fund in conjunction with the California Forest Legacy Program Act of  
7 2000 (Division 10.5 (commencing with Section 12200) of the Public Resources  
8 Code).

9       (b) Lists elements a county or city shall include in its oak woodlands  
10 management plan. Items included in the plan shall assist a county or a city to  
11 specify conservation priorities and prevent oak woodlands habitat fragmentation  
12 while minimizing the cost and administrative burden associated with developing  
13 the plan. The elements may include any or all of the following:

14       (1) Tree inventory mapping.

15       (2) Oak canopy retention standards.

16       (3) Oak habitat mitigation measures.

17       (4) A procedure to monitor the effectiveness of the plan and to modify the plan  
18 as necessary.

19       (c) Designates an online repository for oak woodlands management plans that  
20 will be easily accessible to the public and any other state agency involved in oak  
21 woodlands conservation efforts.

22       (d) Discusses the relationship between oak woodlands conservation efforts  
23 under this chapter and efforts by other state agencies to protect oak woodlands,  
24 including efforts to combat sudden oak death, and outlines a plan, as necessary, for  
25 coordinating with these agencies.

26       **Comment.** Section 54950 continues former Fish and Game Code Section 1367 without  
27 substantive change.

28    **§ 54955. Expenditure pursuant to Public Resources Code Section 5096.350(a)(4)**

29       54955. Notwithstanding any other provision of law, this chapter governs the  
30 expenditure of funds for the preservation of oak woodlands pursuant to paragraph  
31 (4) of subdivision (a) of Section 5096.350 of the Public Resources Code.

32       **Comment.** Section 54955 continues former Fish and Game Code Section 1363(f) without  
33 substantive change.

34    **§ 54960. Grant criteria**

35       54960. The board shall develop and adopt guidelines and criteria for awarding  
36 grants that achieve the greatest lasting conservation of oak woodlands. The board  
37 shall develop these guidelines in consultation with the Department of Forestry and  
38 Fire Protection, the Department of Food and Agriculture, the University of  
39 California's Integrated Hardwood Range Management Program, conservation  
40 groups, and farming and ranching associations. As it applies to the award of grants  
41 for the implementation of this chapter, the board criteria shall specify that

1 easement acquisitions that are the most cost-effective in comparison to the actual  
2 resource value of the easement shall be given priority.

3 **Comment.** Section 54960 continues former Fish and Game Code Section 1365 without  
4 substantive change.

5 **§ 54965. Qualification for grant**

6 54965. (a) To qualify for a grant pursuant to this chapter, the county or city in  
7 which the grant money would be spent shall prepare, or demonstrate that it has  
8 already prepared, an oak woodlands management plan that includes a description  
9 of all native oak species located within the county's or city's jurisdiction.

10 (b) To qualify for a grant pursuant to this chapter, the board shall certify that any  
11 proposed easement was not, and is not, required to satisfy a condition imposed  
12 upon the landowner by any lease, permit, license, certificate, or other entitlement  
13 for use issued by one or more public agencies, including, but not limited to, the  
14 mitigation of significant effects on the environment of a project pursuant to an  
15 approved environmental impact report or to mitigate a negative declaration  
16 required pursuant to the California Environmental Quality Act (Division 13  
17 (commencing with Section 21000)) of the Public Resources Code.

18 (c) To qualify for a grant under this chapter, the applicant shall demonstrate that  
19 its proposal provides protection of oak woodlands that is more protective than the  
20 applicable provisions of law in existence on the date of the proposal.

21 (d) A county or city may develop an oak woodlands management plan. A  
22 nonprofit corporation, park and open-space district, resource conservation district,  
23 or other local government entity may apply to the board for funds to develop an  
24 oak woodlands management plan for a county or city, but the county or city shall  
25 maintain ultimate authority to approve the oak woodlands management plan.

26 (e) The process for developing an initial oak woodlands management plan, and  
27 the adoption of significant amendments to a plan, as determined by the county or  
28 city, are subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section  
29 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

30 (f) A proposal by a local government entity, nonprofit corporation, park and  
31 open-space district, private landowner, or resource conservation district for a grant  
32 to be expended for the purposes of this chapter shall be certified by the county or  
33 city as being consistent with the oak woodlands management plan of the county or  
34 city. If the land covered by the proposal is in the jurisdiction of more than one  
35 county or city, each county or city shall certify that the proposal is consistent with  
36 the oak woodlands management plan of each county or city.

37 (g) If two or more entities seek grant funding from the board pursuant to this  
38 chapter for the same jurisdiction, the county or city shall designate which entity  
39 shall lead the efforts to manage oak woodlands habitat in the area.

40 **Comment.** Section 54965 continues former Fish and Game Code Section 1366 without  
41 substantive change.

1    **§ 54970. Use of eminent domain**

2       54970. The board may not approve a grant to a local government entity, park  
3 and open-space district, resource conservation district, or nonprofit organization if  
4 the entity requesting the grant has acquired, or proposes to acquire, an oak  
5 woodlands conservation easement through the use of eminent domain, unless the  
6 owner of the affected lands requests the owner to do so.

7       **Comment.** Section 54970 continues former Fish and Game Code Section 1368 without  
8 substantive change.

9    **§ 54975. Use of grant funds by city or county planning department**

10       54975. (a) A city or county planning department may utilize a grant awarded for  
11 the purposes of this chapter to consult with a citizen advisory committee and  
12 appropriate natural resource specialists in order to report publicly to the city  
13 council or the board of supervisors on the status of the city’s or county’s oak  
14 woodlands.

15       (b) Each city or county planning department that receives a grant for the  
16 purposes of this chapter shall report to the city council or to the board of  
17 supervisors of the county, as appropriate, on the use of those grant funds within  
18 one year from the date the grant is received.

19       **Comment.** Section 54975 continues former Fish and Game Code Section 1369 without  
20 substantive change.

21                   **TITLE 2. HABITAT RESTORATION AND**  
22                   **ENHANCEMENT ACT**

23                   **CHAPTER 1. GENERAL PROVISIONS**

24    **§ 55100. Short title**

25       55100. This title shall be known, and may be cited, as the Habitat Restoration  
26 and Enhancement Act.

27       **Comment.** Section 55100 continues former Fish and Game Code Section 1650 without  
28 substantive change.

29    **§ 55105. Definitions**

30       55105. As used in this title:

31       (a) “Fish passage guidelines” means those guidelines specified in the  
32 department’s California Salmonid Stream Habitat Restoration Manual and the  
33 National Marine Fisheries Service, Southwest Region, Guidelines for Salmonid  
34 Passage at Stream Crossings, and subsequent amendments or updates to either  
35 document.

36       (b) “Habitat restoration or enhancement project” means a project with the  
37 primary purpose of improving fish and wildlife habitat. A habitat restoration or

1 enhancement project shall meet the eligibility requirements for the State Water  
2 Resources Control Board’s Order for Clean Water Act Section 401 General Water  
3 Quality Certification for Small Habitat Restoration Projects, or its current  
4 equivalent at the time the project proponent submits a written request pursuant to  
5 Article 1 (commencing with Section 55200) or Article 3 (commencing with  
6 Section 55300) of Chapter 3. The order or current equivalent may include  
7 programmatic waivers or waste discharge requirements for small habitat  
8 restoration projects.

9 (c) “Project proponent” means a person, public agency, or nonprofit  
10 organization seeking to implement a habitat restoration or enhancement project.

11 (d) “Species recovery plan” means a guidance document prepared by a  
12 government agency that identifies recovery actions, based upon the best scientific  
13 and commercial data available, necessary for the protection and recovery of listed  
14 species.

15 **Comment.** Section 55105 continues former Fish and Game Code Section 1651 without  
16 substantive change.

17 **§ 55110. Effect of title**

18 55110. This title shall not be construed as expanding the scope of projects  
19 requiring a permit, agreement, license, or other approval issued by the department.

20 **Comment.** Section 55110 continues former Fish and Game Code Section 1654(b) without  
21 substantive change.

22 **§ 55115. Report**

23 55115. (a) The department shall submit a report on the implementation of this  
24 title to the Legislature no later than December 31, 2020, which shall include, but  
25 not be limited to, the number, type, and geographical distribution of approved  
26 projects, funding adequacy, and recommendations for changes and improvements  
27 in the program.

28 (b) A report to be submitted pursuant to subdivision (a) shall be submitted in  
29 compliance with Section 9795 of the Government Code.

30 **Comment.** Section 55115 continues former Fish and Game Code Section 1656 without  
31 substantive change.

32 **§ 55120. Sunset**

33 55120. This title shall remain in effect only until January 1, 2022, and as of that  
34 date is repealed, unless a later enacted statute, that is enacted before January 1,  
35 2022, deletes or extends that date.

36 **Comment.** Section 55120 continues former Fish and Game Code Section 1657 without  
37 substantive change.

1                   CHAPTER 2. HABITAT RESTORATION AND ENHANCEMENT  
2   ACCOUNT

3   **§ 55150. Creation**

4       55150. The Habitat Restoration and Enhancement Account is hereby created in  
5 the Fish and Game Preservation Fund.

6       **Comment.** Section 55150 continues former Fish and Game Code Section 1655(a) without  
7 substantive change.

8   **§ 55155. Receipt of funds**

9       55155. The department may enter into an agreement to accept funds from any  
10 public agency, person, business entity, or organization to achieve the purposes of  
11 this title. The department shall deposit any funds so received in the account. The  
12 funds received shall supplement existing resources for department administration  
13 and permitting of projects and programs included in this title.

14       **Comment.** Section 55155 continues former Fish and Game Code Section 1655(b) without  
15 substantive change.

16   **§ 55160. Availability**

17       55160. Moneys in the account shall be available to the department, upon  
18 appropriation by the Legislature, for the purposes of administering and  
19 implementing this title.

20       **Comment.** Section 55160 continues former Fish and Game Code Section 1655(d) without  
21 substantive change.

22   CHAPTER 3. PROJECT APPROVAL

23   Article 1. Project Not Certified by Water Board

24   **§ 55200. Request to approve project**

25       55200. A project proponent may submit a written request to approve a habitat  
26 restoration or enhancement project to the director pursuant to this article if the  
27 project has not received certification pursuant to the State Water Resources  
28 Control Board's Order for Clean Water Act Section 401 General Water Quality  
29 Certification for Small Habitat Restoration Projects, or its current equivalent at the  
30 time the project proponent submits the written request.

31       **Comment.** Section 55200 continues the first sentence of former Fish and Game Code Section  
32 1652(a) without substantive change.

33   **§ 55205. Content of request**

34       55205. A written request to approve a habitat restoration or enhancement project  
35 pursuant to this article shall contain all of the following:

1 (a) The name, address, title, organization, telephone number, and email address  
2 of the natural person or persons who will be the main point of contact for the  
3 project proponent.

4 (b) A full description of the habitat restoration or enhancement project that  
5 includes the designs and techniques to be used for the project, restoration or  
6 enhancement methods, an estimate of temporary restoration- or enhancement-  
7 related disturbance, project schedule, anticipated activities, and how the project is  
8 expected to result in a net benefit to any affected habitat and species, consistent  
9 with subdivision (d) of Section 55215.

10 (c) An assessment of the project area that provides a description of the existing  
11 flora and fauna and the potential presence of sensitive species or habitat. The  
12 assessment shall include preproject photographs of the project area that include a  
13 descriptive title, date taken, the photographic monitoring point, and photographic  
14 orientation.

15 (d) A geographic description of the project site including maps, land ownership  
16 information, and other relevant location information.

17 (e) A description of the environmental protection measures incorporated into the  
18 project design, so that no potentially significant adverse effects on the  
19 environment, as defined in Section 15382 of Title 14 of the California Code of  
20 Regulations, are likely to occur with application of the specified environmental  
21 protection measures. Environmental protection measures may include, but are not  
22 limited to, appropriate seasonal work limitations, measures to avoid and minimize  
23 impacts to water quality and potentially present species protected by state and  
24 federal law, and the use of qualified professionals for standard preconstruction  
25 surveys where protected species are potentially present.

26 (f) Substantial evidence to support a conclusion that the project meets the  
27 requirements set forth in this article. Substantial evidence shall include references  
28 to relevant design criteria and environmental protection measures found in the  
29 documents specified in subdivision (d) of Section 55215.

30 (g) A certifying statement that the project will comply with the California  
31 Environmental Quality Act (Division 13 (commencing with Section 21000) of the  
32 Public Resources Code), which may include, but not be limited to, the  
33 requirements of Section 15333 of Title 14 of the California Code of Regulations.

34 **Comment.** Section 55205 continues former Fish and Game Code Section 1652(b) without  
35 substantive change.

36 **§ 55210. Application fee**

37 55210. The department shall assess an application fee for a project submitted to  
38 the department pursuant to this article consistent with the fees adopted by the  
39 department pursuant to Title 3 (commencing with Section 69700) of Part 4 of  
40 Division 17, but the application fee shall not exceed the reasonable administrative  
41 and implementation costs of the department relating to the project.

1       **Comment.** Section 55210 continues former Fish and Game Code Section 1655(c), as it relates  
2 to this chapter, without substantive change.

3       **§ 55215. Approval**

4       55215. Notwithstanding any other law, within 60 days after receiving a written  
5 request to approve a habitat restoration or enhancement project, the director shall  
6 approve a habitat restoration or enhancement project if the director determines that  
7 the written request includes all of the required information set forth in Section  
8 55205, and the project meets all of the following requirements:

9       (a) The project purpose is voluntary habitat restoration and the project is not  
10 required as mitigation.

11       (b) The project is not part of a regulatory permit for a nonhabitat restoration or  
12 enhancement construction activity, a regulatory settlement, a regulatory  
13 enforcement action, or a court order.

14       (c) The project meets the eligibility requirements of the State Water Resources  
15 Control Board’s Order for Clean Water Act Section 401 General Water Quality  
16 Certification for Small Habitat Restoration Projects, or its current equivalent at the  
17 time the project proponent submits the written request, but has not received  
18 certification pursuant to that order or its equivalent.

19       (d) The project is consistent with, or identified in, sources that describe best  
20 available restoration and enhancement methodologies, including one or more of  
21 the following:

22       (1) Federal- and state-listed species recovery plans or published protection  
23 measures, or previously approved department agreements and permits issued for  
24 voluntary habitat restoration or enhancement projects.

25       (2) Department and National Marine Fisheries Service fish screening criteria or  
26 fish passage guidelines.

27       (3) The department’s California Salmonid Stream Habitat Restoration Manual.

28       (4) Guidance documents and practice manuals that describe best available  
29 habitat restoration or enhancement methodologies that are utilized or approved by  
30 the department.

31       (e) The project will not result in cumulative adverse environmental impacts that  
32 are significant when viewed in connection with the effects of past, current, or  
33 probable future projects.

34       **Comment.** Section 55215 continues former Fish and Game Code Section 1652(c) without  
35 substantive change.

36       **§ 55220. Denial**

37       55220. If the director determines that the written request does not contain all of  
38 the information required by Section 55205, or fails to meet the requirements set  
39 forth in Section 55215, or both, the director shall deny the written request and  
40 inform the project proponent of the reason or reasons for the denial.

41       **Comment.** Section 55220 continues former Fish and Game Code Section 1652(d) without  
42 substantive change.



1 Certification for Small Habitat Restoration Projects, or its equivalent at the time  
2 the project proponent submits the written request.

3 (b) A copy of the notice of applicability.

4 (c) A copy of the notice of intent provided to the State Water Resources Control  
5 Board or a regional water quality control board.

6 (d) A description of species protection measures incorporated into the project  
7 design, but not already included in the notice of intent, to avoid and minimize  
8 impacts to potentially present species protected by state and federal law, such as  
9 appropriate seasonal work limitations and the use of qualified professionals for  
10 standard preconstruction surveys where protected species are potentially present.

11 (e) The fees required pursuant to Section 55310.

12 **Comment.** Section 55305 continues former Fish and Game Code Section 1653(b) without  
13 substantive change.

14 **§ 55310. Application fee**

15 55310. The department shall assess an application fee for a project submitted to  
16 the department pursuant to this article consistent with the fees adopted by the  
17 department pursuant to Title 3 (commencing with Section 69700) of Part 4 of  
18 Division 17, but the application fee shall not exceed the reasonable administrative  
19 and implementation costs of the department relating to the project.

20 **Comment.** Section 55310 continues former Fish and Game Code Section 1655(c), as it relates  
21 to this chapter, without substantive change.

22 **§ 55315. Publication of notice**

23 55315. Upon receipt of the notice specified in subdivision (a) of Section 55305,  
24 the director shall immediately have published in the General Public Interest  
25 Section of the California Regulatory Notice Register the receipt of that notice.

26 **Comment.** Section 55315 continues former Fish and Game Code Section 1653(c) without  
27 substantive change.

28 **§ 55320. Determination of completeness**

29 55320. (a) Within 30 days after the director has received the notice of  
30 applicability described in Section 55305, the director shall determine whether the  
31 written request accompanying the notice of applicability is complete.

32 (b) If the director determines within that 30-day period, based upon substantial  
33 evidence, that the written request is not complete, then the project may be  
34 authorized under Article 1 (commencing with Section 55200).

35 (c) The director shall immediately publish the determination pursuant to  
36 subdivision (a) in the General Public Interest Section of the California Regulatory  
37 Notice Register.

38 **Comment.** Section 55320 continues former Fish and Game Code Section 1653(d)-(f) without  
39 substantive change.



1 The project proponent may provide additional environmental protection measures,  
2 design modifications, or other evidence that the project is consistent with Section  
3 55215 or Section 55305, as applicable, and request that the notice of suspension be  
4 lifted and approval granted.

5 **Comment.** Section 55360 continues former Fish and Game Code Section 1654(c)(2) without  
6 substantive change.

7 **§ 55365. Final decision**

8 55365. The director shall revoke approval or lift the suspension of project  
9 approval within 30 days after receiving the project proponent’s objection pursuant  
10 to Section 55360.

11 **Comment.** Section 55365 continues former Fish and Game Code Section 1654(c)(3) without  
12 substantive change.

13 **§ 55370. Liability**

14 55370. Pursuant to Section 818.4 of the Government Code, the department and  
15 any other state agency exercising authority under this article shall not be liable  
16 with regard to any determination or authorization made pursuant to this article.

17 **Comment.** Section 55370 continues former Fish and Game Code Section 1654(d) without  
18 substantive change.

19 TITLE 3. FISH AND WILDLIFE HABITAT  
20 ENHANCEMENT ACT OF 1984

21  **Note.** The Fish and Wildlife Habitat Enhancement Act (existing Sections 2600-2651) was  
22 added by Proposition 19 (1984). The Commission has generally adopted a very deferential  
23 approach to the recodification of provisions added by initiative. Consistent with that approach,  
24 the Commission has made very minimal changes to the language of this part, mostly relating to  
25 section numbering.

26 CHAPTER 1. GENERAL PROVISIONS

27 **§ 55500. Short title**

28 55500. This title shall be known and may be cited as the Fish and Wildlife  
29 Habitat Enhancement Act of 1984.

30 **Comment.** Section 55500 continues former Fish and Game Code Section 2600 without  
31 substantive change.

32 **§ 55505. Declaration of purpose**

33 55505. (a) The fundamental requirement for healthy, vigorous populations of  
34 fish and wildlife is habitat. Without adequate habitat, efforts to conserve and  
35 manage fish and wildlife resources will have limited success.

36 (b) Assuring adequate habitat, with the resulting increase in the abundance of  
37 fish and wildlife, confers substantial benefits on the people of California through

1 the opportunities afforded for the use, enjoyment, and appreciation of fish and  
2 wildlife resources, the perpetuation of species of fish and wildlife for their  
3 intrinsic and ecological values, and the enhancement of economic activities based  
4 on these resources.

5 (c) Accordingly, the purpose of this title is to provide the financial means to  
6 correct the most severe deficiencies in fish and wildlife habitat currently found in  
7 California through a program of acquisition, enhancement, and development of  
8 habitat areas that are most in need of proper conservation and management.

9 **Comment.** Section 55505 continues former Fish and Game Code Section 2601 without  
10 substantive change.

11 **§ 55510. Definitions**

12 55510. As used in this title, the following terms have the following meanings:

13 (a) “Acquisition” means the acquisition of any interest in real property.

14 (b) “Coastal zone” means the coastal zone as defined and mapped pursuant to  
15 Section 30103 of the Public Resources Code.

16 (c) “Local public agency” means a city, county, city and county, regional park or  
17 open-space district, recreation and park district, resource conservation district,  
18 association of governments, or joint powers agency whose jurisdiction is wholly or  
19 partially within the coastal zone or in the San Francisco Bay region.

20 **Comment.** Section 55510 continues former Fish and Game Code Section 2602 without  
21 substantive change.

22 **CHAPTER 2. HABITAT ENHANCEMENT PROGRAM**

23 **§ 55525. Appropriation of funds**

24 55525. All money deposited in the Fish and Wildlife Habitat Enhancement Fund  
25 shall be available for appropriation by the Legislature for the following purposes:

26 (a) Forty million dollars (\$40,000,000) for expenditure by the Wildlife  
27 Conservation Board pursuant to the Wildlife Conservation Law of 1947 for the  
28 acquisition, enhancement, or development, or any combination thereof, of lands  
29 located outside the coastal zone for the preservation of resources and the  
30 management of wildlife and fisheries, in accordance with the following schedule:

31 (1) Thirty million dollars (\$30,000,000) for the acquisition, enhancement, or  
32 development, or any combination thereof, of lands for habitat for wildfowl and  
33 other wildlife benefitted by a marsh or aquatic environment.

34 (2) Ten million dollars (\$10,000,000) for the restoration of waterways for the  
35 management of fisheries and the enhancement or development, or both, of habitat  
36 for other wildlife.

37 (b) Five million dollars (\$5,000,000) for expenditure by the Wildlife  
38 Conservation Board pursuant to the Wildlife Conservation Law of 1947 for the  
39 acquisition, enhancement, or development, or any combination thereof, of lands  
40 for habitat for rare, endangered, and fully protected species.

1 (c) Thirty million dollars (\$30,000,000) for expenditure by the State Coastal  
2 Conservancy for the acquisition, enhancement, or development, or any  
3 combination thereof, of marshlands and associated and adjacent lands and the  
4 development of associated facilities and for grants to local public agencies for  
5 those purposes, in accordance with the following schedule:

6 (1) Twenty million dollars (\$20,000,000) for grants by the conservancy to local  
7 public agencies in the coastal zone and in the San Francisco Bay region for the  
8 acquisition, enhancement, or development, or any combination thereof, of  
9 marshlands and adjacent lands for habitat for wildlife benefitted by a marsh or  
10 aquatic environment and the improvement of drainage into wetlands to control or  
11 retard erosion and sedimentation, and biologically and hydrologically associated  
12 upland habitat areas. Of the amount made available pursuant to this paragraph, not  
13 less than five million dollars (\$5,000,000) shall be available for grants for projects  
14 in the San Francisco Bay region.

15 (2) Ten million dollars (\$10,000,000) for expenditure by the conservancy for the  
16 purposes authorized in this subdivision.

17 (d) Ten million dollars (\$10,000,000) for expenditure by the Wildlife  
18 Conservation Board pursuant to the Wildlife Conservation Law of 1947 for the  
19 acquisition, enhancement, or development, or any combination thereof, inside the  
20 coastal zone of marshlands and adjacent lands for habitat for wildlife benefitted by  
21 a marsh or aquatic environment.

22 **Comment.** Section 55525 continues former Fish and Game Code Section 2620 without  
23 substantive change.

24 **§ 55530. Administrative costs of Wildlife Conservation Board**

25 55530. An annual amount, not to exceed one hundred thousand dollars  
26 (\$100,000), may be appropriated from the funds available pursuant to subdivisions  
27 (a) and (d) of Section 55525 in the 1984–85 through 1989–90 fiscal years, in a  
28 particular amount to be determined in each annual appropriation, to the Wildlife  
29 Conservation Board for expenditure for costs incurred by the board in  
30 administering this title, as provided in this section. The board shall augment, as  
31 needed, any amount appropriated pursuant to this title with an appropriation from  
32 any other funds available to it. This title is not intended, nor shall it be construed,  
33 to authorize the Wildlife Conservation Board or the department to establish any  
34 additional personnel positions.

35 **Comment.** Section 55530 continues former Fish and Game Code Section 2621 without  
36 substantive change.

37 **§ 55535. Administrative costs of State Coastal Conservancy**

38 55535. An annual amount, not to exceed two hundred fifty thousand dollars  
39 (\$250,000), may be appropriated from the funds available pursuant to subdivision  
40 (c) of Section 55525 in the 1984–85 through 1989–90 fiscal years, in a particular  
41 amount to be determined in each annual appropriation, to the State Coastal

1 Conservancy for expenditure for costs incurred by the conservancy in  
2 administering this title.

3 **Comment.** Section 55535 continues former Fish and Game Code Section 2622 without  
4 substantive change.

5 **§ 55540. Limitations**

6 55540. (a) None of the funds appropriated pursuant to this title may be  
7 encumbered for any purpose described in Section 54860.

8 (b) Notwithstanding Sections 31105 and 31106 of the Public Resources Code,  
9 the State Coastal Conservancy and the State Public Works Board may not make  
10 any acquisition pursuant to the power of eminent domain with any funds  
11 appropriated pursuant to this title.

12 **Comment.** Section 55540 continues former Fish and Game Code Section 2623 without  
13 substantive change.

14 **§ 55545. Use of funds for specified lands**

15 55545. Funds available pursuant to subdivision (b) of Section 55525 may be  
16 encumbered only for lands constituting habitat that is subject to destruction,  
17 drastic modification, or severe curtailment of habitat values.

18 **Comment.** Section 55545 continues former Fish and Game Code Section 2624 without  
19 substantive change.

20 **§ 55550. Limitations on acquisition of title**

21 55550. No acquisition shall be undertaken with funds appropriated pursuant to  
22 Section 55525 and no grant of funds appropriated pursuant to subdivision (c) of  
23 Section 55525 shall be encumbered until all practical alternatives to direct  
24 purchase of the full fee title have been considered. The Wildlife Conservation  
25 Board and the State Coastal Conservancy shall establish a procedure to assure  
26 consideration of alternatives to direct purchase. These alternatives shall include,  
27 but not be limited to, the following:

28 (a) Opportunities for obtaining the land through exchanges of other publicly  
29 held lands.

30 (b) Tax considerations that may pertain to the contemplated transaction.

31 (c) Utilization of transfers of densities and density bonuses and other available  
32 land use controls.

33 (d) Purchase of less than full fee title.

34 **Comment.** Section 55550 continues former Fish and Game Code Section 2625 without  
35 substantive change.

36 **§ 55555. Further limitations on use of funds**

37 55555. (a) All restoration projects that involve the expenditure of funds  
38 available pursuant to subdivision (c) of Section 55525 shall be reviewed in  
39 accordance with Section 31208, 31208.5, 31258, or 31258.5 of the Public  
40 Resources Code, as applicable.

1 (b) Funds available pursuant to subdivision (d) of Section 55525 shall be  
2 encumbered in accordance with priorities of the California Coastal Commission.

3 (c) Of the total amount available pursuant to subdivision (d) of Section 55525,  
4 not more than four million dollars (\$4,000,000) may be encumbered for any single  
5 acquisition project.

6 **Comment.** Section 55555 continues former Fish and Game Code Section 2626 without  
7 substantive change.

8 **§ 55560. Additional limitations on use of funds**

9 55560. (a) Funds granted pursuant to subdivision (c) of Section 55525 for any  
10 purpose, other than acquisition, shall not be encumbered by the recipient until the  
11 conservancy has entered into an agreement sufficient to protect the public interest  
12 in any improvements constructed pursuant to this title with the entity that exercises  
13 legal control of the real property on which the improvement is constructed.

14 (b) The conservancy shall not disburse any grant until the applicant, or any other  
15 appropriate managing or operating entity, has entered into an agreement with the  
16 conservancy or its designee, or both, sufficient to assure that the property  
17 acquired, enhanced, or developed, and any improvements thereon, shall be  
18 managed and operated for the purpose for which the grant was requested. No use  
19 of the property that is incompatible with that purpose shall ever be permitted.

20 (c) The minimum amount for which an application for an individual project may  
21 be made is fifteen thousand dollars (\$15,000).

22 (d) Every application for a grant shall comply with the California Environmental  
23 Quality Act (Division 13 (commencing with Section 21000) of the Public  
24 Resources Code).

25 (e) Notwithstanding Sections 31207 and 31257 of the Public Resources Code,  
26 funds granted pursuant to subdivision (c) of Section 55525 may be encumbered  
27 only for the acquisition, enhancement, or development, or any combination  
28 thereof, and the costs incurred by the recipient in planning, preparation of  
29 construction documents, fiscal management and accounting, and supervision of  
30 construction in connection with the project for which the grant was made. All  
31 expenditures made by a recipient of a grant shall be subject to being audited.

32 (f) Funds granted pursuant to subdivision (c) of Section 55525 shall be available  
33 for encumbrance by the recipient for a period of three years after the date when the  
34 grant became effective.

35 **Comment.** Section 55560 continues former Fish and Game Code Section 2627 without  
36 substantive change.

37 **CHAPTER 3. FISCAL PROVISIONS**

38 **§ 55600. Issuance of bonds**

39 55600. Bonds in the total amount of eighty-five million dollars (\$85,000,000),  
40 or so much thereof as is necessary, may be issued and sold to provide a fund to be

1 used for carrying out the purposes expressed in this title and to be used to  
2 reimburse the General Obligation Bond Expense Revolving Fund pursuant to  
3 Section 16724.5 of the Government Code. The bonds shall, when sold, be and  
4 constitute a valid and binding obligation of the State of California, and the full  
5 faith and credit of the State of California is hereby pledged for the punctual  
6 payment of both principal and interest on the bonds as the principal and interest  
7 become due and payable.

8 **Comment.** Section 55600 continues former Fish and Game Code Section 2640 without  
9 substantive change.

10 **§ 55605. Collection of revenue to pay principle and interest on bonds**

11 55605. There shall be collected each year and in the same manner and at the  
12 same time as other state revenue is collected, in addition to the ordinary revenues  
13 of the state, the sum that is required to pay the principal and interest on the bonds  
14 maturing each year, and it is hereby made the duty of all officers charged by law  
15 with any duty in regard to the collection of the revenue to do and perform each and  
16 every act that shall be necessary to collect that additional sum.

17 **Comment.** Section 55605 continues former Fish and Game Code Section 2641 without  
18 substantive change.

19 **§ 55610. Appropriation from General Fund**

20 55610. There is hereby appropriated from the General Fund in the State  
21 Treasury for the purpose of this title, an amount equal to the following:

22 (a) The sum, annually, that is necessary to pay the principal and interest on  
23 bonds issued and sold pursuant to the provisions of this title, as principal and  
24 interest become due and payable.

25 (b) The sum that is necessary to carry out the provisions of Section 55620,  
26 which sum is appropriated without regard to fiscal years.

27 **Comment.** Section 55610 continues former Fish and Game Code Section 2642 without  
28 substantive change.

29 **§ 55615. Fish and Wildlife Habitat Enhancement Fund**

30 55615. The proceeds of bonds issued and sold pursuant to this title shall be  
31 deposited in the Fish and Wildlife Habitat Enhancement Fund, which is hereby  
32 created. The money in the fund may be expended only for the purposes specified  
33 in this title and only pursuant to appropriation by the Legislature in the manner  
34 prescribed in this title.

35 **Comment.** Section 55615 continues former Fish and Game Code Section 2643 without  
36 substantive change.

37 **§ 55620. Loan from General Fund**

38 55620. For the purposes of carrying out the provisions of this chapter, the  
39 Director of Finance may, pursuant to appropriate authority in each annual Budget  
40 Act, authorize the withdrawal from the General Fund of an amount or amounts not

1 to exceed the amount of the unsold bonds that have been authorized to be sold for  
2 the purpose of carrying out this title. Any amounts withdrawn shall be deposited in  
3 the fund. Any moneys made available under this section shall be returned to the  
4 General Fund from moneys received from the sale of bonds for the purpose of  
5 carrying out the provisions of this title. The withdrawals from the General Fund  
6 shall be returned to the General Fund with interest at the rate that would otherwise  
7 have been earned by those sums in the Pooled Money Investment Fund.

8 **Comment.** Section 55620 continues former Fish and Game Code Section 2644 without  
9 substantive change.

10 **§ 55625. Special treatment of specified bond proceeds**

11 55625. Notwithstanding any other provision of this bond act, or of the State  
12 General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of  
13 Part 3 of Division 4 of Title 2 of the Government Code), if the Treasurer sells  
14 bonds pursuant to this bond act that include a bond counsel opinion to the effect  
15 that the interest on the bonds is excluded from gross income for federal tax  
16 purposes under designated conditions, the Treasurer may maintain separate  
17 accounts for the bond proceeds invested and the investment earnings on those  
18 proceeds, and may use or direct the use of those proceeds or earnings to pay any  
19 rebate, penalty, or other payment required under federal law, or take any other  
20 action with respect to the investment and use of those bond proceeds, as may be  
21 required or desirable under federal law in order to maintain the tax-exempt status  
22 of those bonds and to obtain any other advantage under federal law on behalf of  
23 the funds of this state.

24 **Comment.** Section 55625 continues former Fish and Game Code Section 2644.5 without  
25 substantive change.

26 **§ 55630. Budget bill**

27 55630. (a) All proposed appropriations for the program shall be included in a  
28 section in the Budget Bill for the 1984–85 fiscal year and each succeeding fiscal  
29 year for consideration by the Legislature and shall bear the caption “Fish and  
30 Wildlife Habitat Enhancement Program.” The section shall contain separate items  
31 for each project, each class of projects, or each element of the program for which  
32 an appropriation is made.

33 (b) All appropriations shall be subject to all limitations enacted in the Budget  
34 Act and to all fiscal procedures prescribed by law with respect to the expenditure  
35 of state funds unless expressly exempted from those laws by a statute enacted by  
36 the Legislature. The section in the Budget Act shall contain proposed  
37 appropriations only for the program elements and classes of projects contemplated  
38 by this title, and no funds derived from the bonds authorized by this title may be  
39 expended pursuant to an appropriation not contained in that section of the Budget  
40 Act.

1       **Comment.** Section 55630 continues former Fish and Game Code Section 2645 without  
2 substantive change.

3       **§ 55635. State General Obligation Bond Law**

4       55635. The bonds authorized by this title shall be prepared, executed, issued,  
5 sold, paid, and redeemed as provided in the State General Obligation Bond Law  
6 (Chapter 4 (commencing with Section 16720) of Part 3, Division 4, Title 2 of the  
7 Government Code), and all of the provisions of that law are applicable to the  
8 bonds and to this title and are hereby incorporated in this title as though set forth  
9 in full herein.

10       **Comment.** Section 55635 continues former Fish and Game Code Section 2646 without  
11 substantive change.

12       **§ 55640. Wildlife Habitat Enhancement Program Finance Committee**

13       55640. Solely for the purpose of authorizing the issuance and sale, pursuant to  
14 the State General Obligation Bond Law (Chapter 4 (commencing with Section  
15 16720) of Part 1 of Division 4 of Title 2 of the Government Code), of the bonds  
16 authorized by this title, the Wildlife Habitat Enhancement Program Finance  
17 Committee is hereby created. The committee consists of the Controller, the  
18 Director of Finance, and the Treasurer. For purposes of this title, this committee is  
19 “the committee” as that term is used in the State General Obligation Bond Law,  
20 and the Treasurer shall serve as chair of the committee.

21       **Comment.** Section 55640 continues former Fish and Game Code Section 2647 without  
22 substantive change.

23       **§ 55645. Deposit of premiums and accrued interest**

24       55645. All money deposited in the fund that is derived from premium and  
25 accrued interest on bonds sold shall be reserved in the fund and shall be available  
26 for transfer to the General Fund as a credit to expenditures for bond interest.

27       **Comment.** Section 55645 continues former Fish and Game Code Section 2648 without  
28 substantive change.

29       **§ 55650. Budget appropriation**

30       55650. Commencing with the Budget Bill for the 1995-96 fiscal year, the  
31 balance remaining in the fund may be appropriated by the Legislature for  
32 expenditure, without regard to the maximum amounts allocated to each element of  
33 the program, for any or all elements of the program specified in Section 55525, or  
34 any class or classes of projects within those elements that the Legislature deems to  
35 be of the highest priority.

36       **Comment.** Section 55650 continues former Fish and Game Code Section 2649 without  
37 substantive change.

1    **§ 55655. Proceeds of bonds not proceeds of taxes**

2       55655. The Legislature hereby finds and declares that, inasmuch as the proceeds  
3 from the sale of bonds authorized by this title are not “proceeds of taxes” as that  
4 term is used in Article XIII B of the California Constitution, the disbursement of  
5 these proceeds is not subject to the limitations imposed by that article.

6       **Comment.** Section 55655 continues former Fish and Game Code Section 2650 without  
7 substantive change.

8    **§ 55660. Severability**

9       55660. If any provision of this title or the application thereof to any person or  
10 circumstances is held invalid, that invalidity shall not affect other provisions or  
11 applications of the title that can be given effect without the invalid provision or  
12 application, and to this end, the provisions of this title are severable.

13       **Comment.** Section 55660 continues former Fish and Game Code Section 2651 without  
14 substantive change.

15                    **TITLE 4. WILDLIFE AND NATURAL AREAS**  
16                    **CONSERVATION PROGRAM**

17    **Note.** The Wildlife and Natural Areas Conservation Program (existing Sections 2700-2729)  
18 was added by Proposition 70 (1988). The Commission has generally adopted a very deferential  
19 approach to the recodification of provisions added by initiative. Consistent with that approach,  
20 the Commission has made very minimal changes to the language of this part, mostly relating to  
21 section numbering.

22                    **CHAPTER 1. GENERAL PROVISIONS**

23    **§ 55700. Short title**

24       55700. This title shall be known and may be cited as the Wildlife and Natural  
25 Areas Conservation Act.

26       **Comment.** Section 55700 continues former Fish and Game Code Section 2700 without  
27 substantive change.

28    **§ 55705. Declaration of purpose**

29       55705. (a) The fundamental requirement for healthy, vigorous populations of  
30 fish and wildlife is habitat. Without adequate habitat, efforts to conserve and  
31 manage fish and wildlife resources will have limited success. Further, California  
32 contains the greatest diversity of wildlife and plant species of virtually any state in  
33 the nation. This rich natural heritage enables Californians to enjoy a great variety  
34 of recreational, aesthetic, ecological, and other uses and benefits of these  
35 biological resources. The public interest is served only by ensuring that these  
36 resources are preserved, protected, and propagated for this and future generations.

1 (b) Many of California’s wildlife, fish, and plant species and biological  
2 communities are found nowhere else on earth. Without adequate protection and  
3 management, rare native species and communities could easily become extinct. In  
4 that event, the benefits they provide to the people of California, whether presently  
5 realized or which remain to be discovered, will be lost forever, and California will  
6 be significantly poorer as a result.

7 (c) The people of California have vested in the department the principal  
8 responsibility for protecting, conserving, and perpetuating native fish, plants, and  
9 wildlife, including endangered species and game animals, for their aesthetic,  
10 intrinsic, ecological, educational, and economic values. To help accomplish this  
11 goal, the people of California have further established a significant natural areas  
12 program and a natural diversity database in the department, which is charged with  
13 maintaining and perpetuating California’s most significant natural areas for  
14 present and future generations. To ensure the perpetuation of areas containing  
15 uncommon elements of natural diversity and to ensure the continued abundance of  
16 habitat for more common species, especially examples of those that are presently  
17 threatened with destruction, the purchase of land is often necessary.

18 (d) Accordingly, the purpose of this title is to provide the Wildlife Conservation  
19 Board and the department the financial means to correct the most severe  
20 deficiencies in wildlife habitat and in the statewide system of areas designated for  
21 the preservation of California’s natural diversity through a program of acquisition,  
22 enhancement, restoration, and protection of areas that are most in need of proper  
23 conservation.

24 **Comment.** Section 55705 continues former Fish and Game Code Section 2701 without  
25 substantive change.

26 **§ 55710. Definitions**

27 55710. As used in this title, the following terms have the following meanings:

28 (a) “Acquisition” means the acquiring of any interest in real property.

29 (b) “Fund” means the Wildlife and Natural Areas Conservation Fund created  
30 pursuant to Section 55725.

31 (c) “Highly rare” means a worldwide rarity in which any species or natural  
32 community occurs in 50 or fewer locations, irrespective of whether the species or  
33 any species in the community is listed as threatened or endangered or was  
34 previously listed as rare.

35 (d) “Natural community” means a distinct, identifiable, and recurring  
36 association of plants and animals that are ecologically interrelated.

37 (e) “Species” means the fundamental biological unit of plant and animal  
38 classification that comprises a subdivision of a genus, but for the purposes of this  
39 title, “species” also includes the unit of a subspecies.

40 **Comment.** Section 55710 continues former Fish and Game Code Section 2702 without  
41 substantive change.

1

## CHAPTER 2. HABITAT CONSERVATION PROGRAM

2 **§ 55725. Deposits**

3 55725. Moneys available for the purposes of this title pursuant to Chapter 4  
4 (commencing with Section 5930) of Division 5.8 of the Public Resources Code  
5 shall be deposited in the Wildlife and Natural Areas Conservation Fund, which is  
6 hereby created. Money deposited in the fund shall be available for appropriation  
7 by the Legislature to the Wildlife Conservation Board, for expenditure pursuant to  
8 the Wildlife Conservation Law of 1947, for the following programs:

9 (a) Forty-one million dollars (\$41,000,000) for the preservation of highly rare  
10 examples of the state's natural diversity through the acquisition, enhancement,  
11 restoration, or protection, or a combination thereof, of lands supporting  
12 California's unique, fragile, threatened, or endangered plants, animals, and natural  
13 communities.

14 (b) Six million dollars (\$6,000,000) for the acquisition, enhancement,  
15 restoration, or protection, or a combination thereof, of critical habitat areas for  
16 fish, game mammals, and game birds, including, but not limited to, the following  
17 types:

18 (1) Winter deer ranges.

19 (2) Wild trout or steelhead nursery and spawning areas.

20 (3) Significant routes of migration for wildlife.

21 (4) Breeding, nesting, and forage areas for sage grouse and other upland game  
22 birds.

23 For purposes of this subdivision, "enhancement" includes the construction or  
24 development of facilities for furnishing public access to lands or waters open to  
25 the public for fishing, hunting, or shooting.

26 (c) Three million dollars (\$3,000,000) for the acquisition, enhancement,  
27 restoration, or protection, or any combination thereof, of lands providing habitat  
28 for threatened, endangered, or fully protected species, such as the bald eagle, San  
29 Joaquin kit fox, desert tortoise, bighorn sheep, peregrine falcon, and California  
30 condor.

31 **Comment.** Section 55725 continues former Fish and Game Code Section 2720 without  
32 substantive change.

33 **§ 55730. Expenditures**

34 55730. Funds available pursuant to subdivision (a) of Section 55725 shall be  
35 expended to acquire, enhance, restore, or protect lands in California on which any  
36 of the following naturally exists:

37 (a) A unique species or natural community, whose existence at a single location  
38 in California is the only known occurrence in the world of that particular species  
39 or natural community.

1 (b) A species that occurs in only 20 or fewer locations in the world, at least one  
2 of which is in California.

3 (c) A natural community that occurs in only 50 or fewer locations in the world,  
4 at least one of which is in California.

5 (d) An assemblage of three or more highly rare species or natural communities,  
6 or any combination thereof, of which at least one of the species or natural  
7 communities is found only in 20 or fewer locations in the world.

8 **Comment.** Section 55730 continues former Fish and Game Code Section 2721 without  
9 substantive change.

10 **§ 55735. Priorities**

11 55735. (a) Whenever the application of the criteria specified in Section 55730  
12 results in the identification of two or more parcels of land that are essentially  
13 indistinguishable as to their quality, preference shall be given to the parcel on  
14 which exists the species that is more threatened or more endangered.

15 (b) Whenever the application of the criteria specified in Section 55730 results in  
16 the identification of two or more parcels of land that are essentially  
17 indistinguishable as to their quality and the degree of threat to, or endangerment  
18 of, the species existing on them, preference shall be given to the parcel on which  
19 exists the best example of the species. As used in this subdivision, “best example”  
20 means the parcel of land and the wildlife inhabiting it that, in balancing all the  
21 factors present, represents, as determined by the board, the stronger combination  
22 of all of the following: the better condition, higher quality, easier defensibility,  
23 greater likelihood of long-term viability, and the lesser costs to be incurred by the  
24 department in operating and maintaining the parcel.

25 **Comment.** Section 55735 continues former Fish and Game Code Section 2722 without  
26 substantive change.

27 **§ 55740. Limitations on use of funds**

28 55740. (a) Of the total amount available pursuant to subdivision (a) of Section  
29 55725, not more than five million dollars (\$5,000,000) may be encumbered for  
30 any single acquisition project. In enacting this limitation, the people of California  
31 recognize that there are a number of important projects meeting the criteria of this  
32 title but whose acquisition cost would most likely exceed this limitation.  
33 Therefore, in these instances any acquisition cost in excess of this limitation may  
34 be met by a donation by the owner, donations of funds from private sources, or  
35 other funds from state or nonstate sources.

36 (b) The qualification for or allocation of a grant or grants to a local agency under  
37 Section 55725 shall not preclude eligibility for an additional allocation of grant  
38 funds to the same local agency pursuant to Section 55725 of this code or Section  
39 5907 of the Public Resources Code.

40 **Comment.** Section 55740 continues former Fish and Game Code Section 2723 without  
41 substantive change.

1    **§ 55745. Priorities**

2       55745. (a) In choosing among two or more parcels of land to be acquired,  
3    enhanced, restored, or protected with funds available pursuant to subdivision (b)  
4    or (c) of Section 55725, preference shall be given to acquiring, enhancing,  
5    restoring, or protecting the parcel that will result in the least cost to the department  
6    for operating and maintaining the land.

7       (b) Funds available pursuant to subdivisions (b) and (c) of Section 55725 may  
8    be encumbered only for lands that constitute habitat that is subject to destruction,  
9    drastic modification, or significant curtailment of habitat values.

10     **Comment.** Section 55745 continues former Fish and Game Code Section 2724 without  
11    substantive change.

12    **§ 55750. Limitation on use of funds**

13     55750. No funds available pursuant to this title shall be encumbered for any  
14    lands that, due to their degraded character, will not sustain plants or wildlife or  
15    will not afford protection to a natural community on a long-term basis.

16     **Comment.** Section 55750 continues former Fish and Game Code Section 2725 without  
17    substantive change.

18    **§ 55755. Further limitation on use of funds**

19     55755. With respect to any lands that may be acquired, enhanced, restored, or  
20    protected with funds under this title and that could also be eligible for funds under  
21    Title 3 (commencing with Section 55500), funds under this title shall not be  
22    encumbered for those lands until it is determined by the Wildlife Conservation  
23    Board that funds are not likely to be available for those lands under Title 3  
24    (commencing with Section 55500).

25     **Comment.** Section 55755 continues former Fish and Game Code Section 2726 without  
26    substantive change.

27    **§ 55760. Additional limitation on use of funds**

28     55760. No funds available for appropriation under this title may be encumbered  
29    for any purpose described in Section 54860.

30     **Comment.** Section 55760 continues former Fish and Game Code Section 2727 without  
31    substantive change.

32    **§ 55765. Administrative costs of Wildlife Conservation Board**

33     55765. An annual amount, not to exceed three hundred fifty thousand dollars  
34    (\$350,000) may be appropriated from the fund in the 1988–89 through 1998–99  
35    fiscal years, in an amount to be determined in each annual appropriation, to the  
36    Wildlife Conservation Board for expenditure for costs incurred by the board and  
37    the department in administering this title, including, but not limited to,  
38    preacquisition studies, planning, appraisals, surveys, and closing costs. The  
39    Wildlife Conservation Board and the department may augment, as needed, any  
40    amount thus appropriated with any funds appropriated to it from any other source.

1 **Comment.** Section 55765 continues former Fish and Game Code Section 2728 without  
2 substantive change.

3 **§ 55770. Staffing**

4 55770. (a) For the purpose of administering this title, the Wildlife Conservation  
5 Board and the department shall augment its existing staff, whenever possible, by  
6 contracting for those services necessary for the administration of this title. Any  
7 contract shall, however, be entered into only pursuant to Sections 19130 to 19132,  
8 inclusive, of the Government Code and shall be only for the minimum period  
9 necessary for completion of the particular project or projects for which the  
10 contract was entered into.

11 (b) Due to the limited duration of the program authorized by this title, in the  
12 event some services cannot be provided by contract, any personnel directly hired  
13 by the Wildlife Conservation Board for the administration of this title shall be  
14 hired, to the extent permitted by Article 2 (commencing with Section 19080) of  
15 Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, as limited-  
16 term appointments.

17 **Comment.** Section 55770 continues former Fish and Game Code Section 2729 without  
18 substantive change.

19 **TITLE 5. CALIFORNIA WILDLIFE PROTECTION**  
20 **ACT OF 1990**

21  **Note.** The California Wildlife Protection Act of 1990 (existing Sections 2780-2799.6) was  
22 added by Proposition 117 (1990). The Commission has generally adopted a very deferential  
23 approach to the recodification of provisions added by initiative. Consistent with that approach,  
24 the Commission has made very minimal changes to the language of this part, mostly relating to  
25 section numbering.

26 **CHAPTER 1. GENERAL PROVISIONS**

27 **§ 55800. Findings and declarations**

28 55800. The people of California find and declare all of the following:

29 (a) Protection, enhancement, and restoration of wildlife habitat and fisheries are  
30 vital to maintaining the quality of life in California. As the state's human  
31 population increases, there is an urgent need to protect the rapidly disappearing  
32 wildlife habitats that support California's unique and varied wildlife resources.

33 (b) Much of the state's most important deer winter ranges have been destroyed  
34 in the last 20 years.

35 (c) Critical winter ranges of migratory deer in the Sierra Nevada and Cascade  
36 mountain ranges are increasingly subject to incompatible land uses. In some  
37 counties, over 80 percent of the critical winter ranges fall on these lands. The

1 potential for incompatible land uses on these lands is a major threat to the survival  
2 of many migratory deer herds.

3 (d) Deer, mountain lion, and other wildlife habitat within the Sierra Nevada,  
4 Cascade, Coast Range (including the Santa Lucia Mountains in Monterey County  
5 along the Central Coast), Siskiyou and Klamath Mountains; and the Santa Susana,  
6 Simi Hills, Santa Monica, San Gabriel, San Bernardino, San Jacinto, Santa Ana  
7 and other mountains and foothill areas within southern California, is disappearing  
8 rapidly. Small and often isolated wildlife populations are forced to depend upon  
9 these shrinking habitat areas within the heavily urbanizing areas of this state.  
10 Corridors of natural habitat must be preserved to maintain the genetic integrity of  
11 California’s wildlife.

12 (e) This title shall be implemented in the most expeditious manner. All state  
13 officials shall implement this title to the fullest extent of their authority in order to  
14 preserve, maintain, and enhance California’s diverse wildlife heritage and the  
15 habitats upon which it depends.

16 **Comment.** Section 55800 continues former Fish and Game Code Section 2780 without  
17 substantive change.

18 **§ 55805. Further findings and declarations**

19 55805. (a) The people of California find and declare that wildlife and fisheries  
20 conservation is in the public interest and that it is necessary to keep certain lands  
21 in open space and natural condition to protect significant environmental values of  
22 wildlife and native plant habitat, riparian and wetland areas, native oak woodlands,  
23 and other open-space lands, and to provide opportunities for the people of  
24 California to appreciate and visit natural environments and enjoy California’s  
25 unique and varied fish and wildlife resources.

26 (b) It is the intent of the people, in enacting this title, that additional funds are  
27 needed to protect fish, wildlife, and native plant resources and that the Legislature  
28 should provide those funds through bond acts and other appropriate sources.

29 **Comment.** Section 55805 continues former Fish and Game Code Section 2781 without  
30 substantive change.

31 **CHAPTER 2. CALIFORNIA WILDLIFE PROTECTION**

32 **§ 55825. Definitions**

33 55825. The following definitions govern the construction of this title:

34 (a) “Acquisition” includes but is not limited to, gifts, purchases, leases,  
35 easements, the exercise of eminent domain if expressly authorized, the transfer or  
36 exchange of property for other property of like value, transfers of development  
37 rights or credits, and purchases of development rights and other interests.

38 (b) “Board” means the Wildlife Conservation Board.

39 (c) “Fund” means the Habitat Conservation Fund created by Section 55830.

1 (d) “Local agency” means a city, county, city and county, or a district as defined  
2 in subdivision (b) of Section 5902 of the Public Resources Code.

3 (e) “Riparian habitat” means lands that contain habitat that grows close to and  
4 which depends upon soil moisture from a nearby freshwater source.

5 (f) “Southern California” means the Counties of Imperial, Los Angeles, Orange,  
6 Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura.

7 (g) “Wetlands” means lands that may be covered periodically or permanently  
8 with shallow water and that include saltwater marshes, freshwater marshes, open  
9 or closed brackish water marshes, swamps, mudflats, fens, and vernal pools.

10 **Comment.** Section 55825 continues former Fish and Game Code Section 2785 without  
11 substantive change.

12 **§ 55830. Habitat Conservation Fund**

13 55830. Except as otherwise expressly provided in paragraph (3) of subdivision  
14 (a) of Section 55835, the money in the Habitat Conservation Fund, which is  
15 hereby created, shall be used for the following purposes:

16 (a) The acquisition of habitat, including native oak woodlands, necessary to  
17 protect deer and mountain lions.

18 (b) The acquisition of habitat to protect rare, endangered, threatened, or fully  
19 protected species.

20 (c) The acquisition of habitat to further implement the Habitat Conservation  
21 Program pursuant to Chapter 2 (commencing with Section 55725) of Title 4,  
22 excepting Section 55735 and subdivision (a) of Section 55740, and Sections 55745  
23 and 55770.

24 (d) The acquisition, enhancement, or restoration of wetlands.

25 (e) The acquisition, restoration, or enhancement of aquatic habitat for spawning  
26 and rearing of anadromous salmonids and trout resources.

27 (f) The acquisition, restoration, or enhancement of riparian habitat.

28 **Comment.** Section 55830 continues former Fish and Game Code Section 2786 without  
29 substantive change.

30  **Note.** Existing Section 2786(c) contains an erroneous cross-reference to “Article 2  
31 (commencing with Section 2721).” The reference is erroneous in two ways: (1) The referenced  
32 article begins with Section 2720, not Section 2721. (2) The reference is incomplete. It should  
33 continue with the words “of Chapter 7.5.” Proposed Section 55830 would correct those errors.  
34 **The Commission invites comment on whether those corrections would cause any problems.**

35 **§ 55835. Continuous appropriations**

36 55835. Notwithstanding Section 13340 of the Government Code, the money in  
37 the fund is continuously appropriated, without regard to fiscal years, as follows:

38 (a) To the Department of Parks and Recreation, four million five hundred  
39 thousand dollars (\$4,500,000) annually for allocation as follows:

40 (1) One million five hundred thousand dollars (\$1,500,000) for projects that are  
41 located in the Santa Lucia Mountain Range in Monterey County for expenditure

1 by the Department of Parks and Recreation and for grants to the Monterey  
2 Peninsula Regional Park District.

3 (2) One million dollars (\$1,000,000) for acquisitions in, and adjacent to, units of  
4 the state park system.

5 (3) Two million dollars (\$2,000,000) for 50 percent matching grants to local  
6 agencies for projects meeting the purposes specified in Section 55830 and,  
7 additionally, for the acquisition of wildlife corridors and urban trails, nature  
8 interpretation programs, and other programs that bring urban residents into park  
9 and wildlife areas. The grants made pursuant to this subdivision are subject to the  
10 conditions of subdivision (d) of Section 5910, and Sections 5917 and 5919, of the  
11 Public Resources Code, as nearly as may be practicable.

12 (b) To the State Coastal Conservancy, four million dollars (\$4,000,000)  
13 annually.

14 (c) To the Santa Monica Mountains Conservancy, five million dollars  
15 (\$5,000,000) annually for the next 10 fiscal years, commencing with the 1990–91  
16 fiscal year. The money shall be used for the purposes specified in Section 55830  
17 for wildlife habitat, and for related open-space projects, within the Santa Monica  
18 Mountains Zone, the Rim of the Valley Corridor, and the Santa Clarita  
19 Woodlands. Of the total amount appropriated pursuant to this subdivision, not less  
20 than a total of ten million dollars (\$10,000,000) shall be spent within the Santa  
21 Susana Mountains and the Simi Hills, and not less than a total of ten million  
22 dollars (\$10,000,000) shall be spent within the Santa Clarita Woodlands. These  
23 funds shall be expended in accordance with Division 23 (commencing with  
24 Section 33000) of the Public Resources Code during the operative period of this  
25 section as specified in subdivision (f) and in Section 55885. The Legislature may,  
26 by statute, extend the period for expenditure of the funds provided by this  
27 paragraph.

28 (d) To the California Tahoe Conservancy, five hundred thousand dollars  
29 (\$500,000) annually.

30 (e) To the board, the balance of the fund.

31 (f) This section shall become operative on July 1, 1990, and, as of July 1, 2020,  
32 is repealed, unless a later enacted statute, which becomes effective on or before  
33 July 1, 2020, deletes or extends that date.

34 **Comment.** Section 55835 continues former Fish and Game Code Section 2787 without  
35 substantive change.

36 **§ 55840. Continuous appropriations (contingent operation)**

37 55840. (a) Notwithstanding Section 13340 of the Government Code, the money  
38 in the fund is continuously appropriated, without regard to fiscal years, to the  
39 board.

40 (b) This section shall become operative only if, and on the date that, Section  
41 55835 is repealed.

1       **Comment.** Section 55840 continues former Fish and Game Code Section 2788 without  
2 substantive change.

3       **§ 55845. Priorities**

4       55845. In areas where habitats are or may become isolated or fragmented,  
5 preference shall be given by the agencies expending money from the fund to  
6 projects that will serve as corridors linking otherwise separated habitat so that the  
7 genetic integrity of wildlife populations will be maintained.

8       **Comment.** Section 55845 continues former Fish and Game Code Section 2789 without  
9 substantive change.

10       **§ 55850. Expenditure reporting**

11       55850. Each agency receiving money from the fund pursuant to Section 55835  
12 shall report to the board on or before July 1 of each year the amount of money that  
13 was expended and the purposes for which the money was expended. The board  
14 shall prescribe the information in the agencies reports that it determines is  
15 necessary to carry out the requirements of Section 55855.

16       **Comment.** Section 55850 continues former Fish and Game Code Section 2790 without  
17 substantive change.

18       **§ 55855. Expenditure conditions**

19       55855. The board shall expend the money appropriated to it from the fund  
20 subject to the following conditions:

21       (a) Not more than one and one-half (1<sup>1</sup>/<sub>2</sub>) percent shall be expended for  
22 administration of this title.

23       (b) The board shall, to the extent practicable, expend the money in a manner and  
24 for projects so that, within each 24-month period, approximately one-third of the  
25 total expenditures of the money in the fund, including, until July 1, 2020, the  
26 expenditures by the agencies receiving money from the fund pursuant to  
27 subdivisions (a) to (d), inclusive, of Section 55835, are expended for the purposes  
28 specified in subdivision (a) of Section 55830 and approximately two-thirds of the  
29 total expenditures of the money in the fund, including, until July 1, 2020, the  
30 expenditures by the agencies receiving money from the fund pursuant to  
31 subdivisions (a) to (d), inclusive, of Section 55835, are expended for the purposes  
32 specified in subdivisions (b) and (c) of Section 55830.

33       (c) Notwithstanding the requirement for acquisition in subdivisions (a), (b), and  
34 (c) of Section 55830, the board shall, to the extent practicable, expend the money  
35 in the fund in a manner and for projects so that, within each 24-month period,  
36 approximately six million dollars (\$6,000,000) of the money, including, until July  
37 1, 2020, the expenditures by the agencies receiving money from the fund pursuant  
38 to subdivisions (a) to (d), inclusive, of Section 55835, are expended for the  
39 purposes specified in subdivision (d) of Section 55830.

40       (d) Notwithstanding the requirement for acquisition in subdivisions (a), (b), and  
41 (c) of Section 55830, the board shall, to the extent practicable, expend the money

1 in the fund in a manner and for projects so that, within each 24-month period,  
2 approximately six million dollars (\$6,000,000) of the money, including, until July  
3 1, 2020, the expenditures by the agencies receiving money from the fund pursuant  
4 to subdivisions (a) to (d), inclusive, of Section 55835, are expended for the  
5 purposes specified in subdivision (e) and (f) of Section 55830.

6 (e) To the extent practicable, the board shall expend the money appropriated to it  
7 from the fund in a manner and for projects so that, within each 24-month period,  
8 approximately one-half of the total expenditures of the money in the fund,  
9 including, until July 1, 2020, the expenditures by the agencies receiving money  
10 from the fund pursuant to subdivisions (a) to (d), inclusive, of Section 55835, are  
11 expended in northern California and approximately one-half in southern  
12 California.

13 (f) Subject to the other requirements of this section, the board may allocate not  
14 more than two million dollars (\$2,000,000) annually for the purposes of this title  
15 to one or more state agencies created by the Legislature or the people that are  
16 authorized by other provisions of law to expend funds for the purposes of this title.

17 **Comment.** Section 55855 continues former Fish and Game Code Section 2791 without  
18 substantive change.

19 **§ 55860. Inability to make specified expenditures**

20 55860. If any agency designated in Section 55835 ceases to exist, or is otherwise  
21 unable to expend the funds appropriated by Section 55835 to that agency for the  
22 period specified, the board or its successor agency shall expend the same funds for  
23 the same purpose.

24 **Comment.** Section 55860 continues former Fish and Game Code Section 2792 without  
25 substantive change.

26 **§ 55865. Use of conservation corps**

27 55865. The board and any other state or local agency that expends any funds  
28 appropriated from the fund on environmental enhancement, restoration, or  
29 improvement projects shall utilize the services of the California Conservation  
30 Corps and local community conservation corps to the extent practicable.

31 **Comment.** Section 55865 continues former Fish and Game Code Section 2793 without  
32 substantive change.

33 **§ 55870. Management plan**

34 55870. In implementing this title, the state or local agency that manages lands  
35 acquired with funds appropriated from the fund shall prepare, with full public  
36 participation, a management plan for lands that have been acquired, which plan  
37 shall reasonably reduce possible conflicts with neighboring land use and  
38 landowners, including agriculturists. The plans shall comply with the California  
39 Environmental Quality Act (Division 21 (commencing with Section 21000) of the  
40 Public Resources Code).

1     **Comment.** Section 55870 continues former Fish and Game Code Section 2794 without  
2 substantive change.

3     **§ 55875. Unallocated Account in the Cigarette and Tobacco Products Surtax Fund**

4     55875. (a) The Controller shall annually transfer 10 percent of the funds in the  
5 Unallocated Account in the Cigarette and Tobacco Products Surtax Fund to the  
6 Habitat Conservation Fund.

7     (b) No additional allocation of funds from that account shall be made by the  
8 Legislature for purposes of this title or for any other natural resource or  
9 environmental protection program.

10     **Comment.** Section 55875 continues former Fish and Game Code Section 2795 without  
11 substantive change.

12     **§ 55880. Fund transfers**

13     55880. (a) The Controller shall annually transfer the sum of thirty million  
14 dollars (\$30,000,000) from the General Fund to the Habitat Conservation Fund,  
15 less any amount transferred to the Habitat Conservation Fund from, but not limited  
16 to, the following accounts and funds:

17     (1) The Public Resources Account in the Cigarette and Tobacco Products Surtax  
18 Fund to the extent authorized by the Tobacco Tax and Health Protection Act of  
19 1988.

20     (2) The Unallocated Account in the Cigarette and Tobacco Products Surtax  
21 Fund pursuant to subdivision (a) of Section 55875.

22     (3) The California Environmental License Plate Fund.

23     (4) The Endangered and Rare Fish, Wildlife, and Plant Species Conservation  
24 and Enhancement Account in the Fish and Game Preservation Fund.

25     (5) Any other non-General Fund accounts and funds created by the Legislature  
26 or the people for purposes that are consistent with the purposes of this act.

27     (6) Any bond funds that are authorized by the people after July 1, 1990, which  
28 may be used for purposes that are identical to the purposes specified in Section  
29 55830.

30     (7) The Wildlife Restoration Fund.

31     (b) Except for transfers from the Endangered and Rare Fish, Wildlife, and Plant  
32 Species Conservation and Enhancement Account, transfers from the Fish and  
33 Game Preservation Fund are not transfers for purposes of subdivision (a) and shall  
34 not be made to the fund. Transfers of federal, local, or privately donated funds or  
35 transfers from the State Coastal Conservancy Fund pursuant to Section 31011 of  
36 the Public Resources Code to the fund are not transfers for purposes of subdivision  
37 (a).

38     (c) This section does not limit the amount of funds that may be transferred to the  
39 fund or that may be expended for fish and wildlife habitat protection either from  
40 the fund or from any other sources.

1 (d) This section shall become operative on July 1, 1990, shall become  
2 inoperative on June 30, 2020, and, as of January 1, 2021, is repealed, unless a later  
3 enacted statute, which becomes effective before January 1, 2021, deletes or  
4 extends the dates on which it becomes inoperative and is repealed.

5 **Comment.** Section 55880 continues former Fish and Game Code Section 2796 without  
6 substantive change.

7 **§ 55885. Effect of specified provisions**

8 55885. (a) The people find it necessary to acquire, restore, and improve the  
9 rapidly disappearing wildlife habitat of southern California in the quickest and  
10 most efficient manner possible using existing governmental resources. Therefore,  
11 notwithstanding Section 33216 of the Public Resources Code, Division 23  
12 (commencing with Section 33000) of the Public Resources Code shall continue in  
13 effect for the period that funds may be expended pursuant to subdivision (c) of  
14 Section 55835.

15 This subdivision shall not become operative if, prior to June 6, 1990, Section  
16 33216 of the Public Resources Code has been amended to extend the operative  
17 effect of that Division 23 to at least July 1, 1995.

18 (b) If subdivision (a) of this section does not become operative, the controller  
19 shall increase the annual transfer of funds pursuant to subdivision (c) of Section  
20 55835 on a pro rata basis so that the total amount available to the Santa Monica  
21 Mountains Conservancy for purposes of this title pursuant to that subdivision (c) is  
22 fifty million dollars (\$50,000,000). Nothing in this section precludes the  
23 Legislature from extending the time for expenditure of funds pursuant to  
24 subdivision (c) of Section 55835.

25 **Comment.** Section 55885 continues former Fish and Game Code Section 2797 without  
26 substantive change.

27 **Note.** The second paragraph of existing Section 2797(a) establishes an operation contingency  
28 based on whether “prior to June 6, 1990, Section 33216 of the Public Resources Code has been  
29 amended to extend the operative effect of that Division 23 to at least July 1, 1995.” That  
30 contingency appears to have been satisfied. In 1990, Section 33216 was amended to extend the  
31 specified sunset date to July 1, 1995. See 1990 Cal. Stat. ch. 216, § 95. Despite the apparent  
32 obsolescence of the operation contingency provision, it has been continued in proposed Section  
33 55885. This avoids any possibility of deleting substantive language that was added by citizen  
34 initiative. Section 2797(b) also appears to be obsolete, but is retained for the same reason. **The**  
35 **Commission invites comment on whether this approach would cause any problems.**

36 **§ 55890. Land acquisition law**

37 55890. Acquisitions of real property made pursuant to this title shall be done in  
38 compliance with the land acquisition law as existing or as hereafter amended and  
39 as it applies to the agencies designated in Section 55835, and in compliance with  
40 subdivision (a) of Section 5929 of the Public Resources Code.

41 **Comment.** Section 55890 continues former Fish and Game Code Section 2798 without  
42 substantive change.

1    **§ 55895. Application of CEQA**

2    55895. Every expenditure made pursuant to this title shall comply with the  
3 California Environmental Quality Act (Division 13 (commencing with Section  
4 21000) of the Public Resources Code).

5    **Comment.** Section 55895 continues former Fish and Game Code Section 2799 without  
6 substantive change.

7    **§ 55900. Public access to acquired lands**

8    55900. Reasonable public access to lands acquired in fee with funds made  
9 available pursuant to this title shall be provided except when that access may  
10 interfere with habitat protection.

11   **Comment.** Section 55900 continues former Fish and Game Code Section 2799.5 without  
12 substantive change.

13   **§ 55905. Reappropriation of transferred funds**

14   55905. Only those amounts of money that are transferred to the fund from the  
15 General Fund pursuant to Section 55880 may be reappropriated for purposes of  
16 this title by a two-thirds vote of the Legislature.

17   **Comment.** Section 55905 continues former Fish and Game Code Section 2799.6 without  
18 substantive change.

19                    **TITLE 6. NATIVE SPECIES CONSERVATION**  
20                    **AND ENHANCEMENT**

21                    **CHAPTER 1. GENERAL PROVISIONS**

22    **§ 56000. Short title**

23    56000. This title shall be known and may be cited as the Native Species  
24 Conservation and Enhancement Act.

25    **Comment.** Section 56000 continues former Fish and Game Code Section 1750 without  
26 substantive change.

27    **§ 56005. Findings and declarations**

28    56005. The Legislature finds and declares all of the following:

29    (a) That it is the policy of this state:

30    (1) To maintain sufficient populations of all species of wildlife and native plants  
31 and the habitat necessary to insure their continued existence at the optimum levels  
32 possible to insure the policies stated in paragraphs (2), (3), and (4).

33    (2) To provide for the beneficial use and enjoyment of wildlife and native plants  
34 by all citizens of the state.

35    (3) To perpetuate native plants and all species of wildlife for their intrinsic and  
36 ecological values, as well as for their direct benefits to humans.

1 (4) To provide for aesthetic, educational, and nonappropriative uses of the  
2 various wildlife and native plant species.

3 (b) That the conservation and enhancement of wildlife species that are not the  
4 object of hunting and native plant species is in the general public interest and it is  
5 appropriate that the cost of programs to achieve that conservation and  
6 enhancement, including the biological and botanical research necessary thereto,  
7 and the diffusion of the information resulting therefrom to the public, be borne to  
8 the extent necessary by general public funds.

9 **Comment.** Section 56005 continues former Fish and Game Code Section 1755 without  
10 substantive change.

11 **§ 56010. General policy**

12 56010. (a) The policy set forth in this title is in the public interest without regard  
13 to the economic value or the lack of economic value of wildlife or native plants.

14 (b) It is the policy of the state to require the recreational users of the state's  
15 wildlife resources to support the management of lands managed by the department  
16 and the management of wildlife consistent with Section 3465.

17 **Comment.** Section 56010 continues former Fish and Game Code Section 1756 without  
18 substantive change.

19 **CHAPTER 2. WILDLIFE AREAS**

20 **§ 56025. Comment by licensed hunters**

21 56025. (a) The department shall annually provide an opportunity for licensed  
22 hunters to comment and make recommendations on the public hunting programs,  
23 including anticipated habitat conditions in the hunting areas on Type A and Type  
24 B Wildlife Areas, as defined under the commission's regulations, through public  
25 meetings or other public outreach.

26 (b) In complying with this section, the department may hold regional meetings  
27 on its hunting programs for several different wildlife areas.

28 **Comment.** Section 56025 continues former Fish and Game Code Section 1758 without  
29 substantive change.

30 **§ 56030. Areas requiring wildlife area pass or license**

31 56030. (a) The director shall designate those particular areas of land managed by  
32 the department at which possession of a valid annual wildlife pass or day use pass  
33 shall be required.

34 (b) No designation shall be effective until a management plan for the area has  
35 been presented at a public meeting and the plan has been approved by the director.

36 (c) No person shall enter the designated area unless that person possesses an  
37 annual wildlife area pass or a day use pass issued pursuant to Section 56080, a  
38 valid hunting license issued pursuant to Section 10210, a valid trapping license  
39 issued pursuant to Section 11215, or a valid sport fishing license issued pursuant

1 to Section 13100, 13150, or Sections 13200 through 13215, inclusive, or that  
2 person is a member of a tour by an organized youth or school group that has been  
3 issued a day use pass.

4 (d) Notwithstanding subdivision (b), possession of a license or pass shall not be  
5 required of any person who:

6 (1) Is passing through the area on a public right-of-way.

7 (2) Possesses authorization by the commission or the department to conduct  
8 scientific or educational research.

9 (3) Is discharging duties in the course of employment, as specified by the  
10 department.

11 (4) Possesses written authorization from the department to enter the area for a  
12 specific purpose.

13 **Comment.** Section 56030 continues former Fish and Game Code Section 1764 without  
14 substantive change.

15 **§ 56035. Violation for entry without pass or license**

16 56035. (a) Notwithstanding Section 4400, a violation of Section 56030 is an  
17 infraction, not a misdemeanor, punishable by a fine of not less than one hundred  
18 dollars (\$100) and not more than five hundred dollars (\$500). If a person  
19 convicted of a violation of Section 56030 is granted probation, the court shall  
20 impose as a condition of probation that the person pay at least the minimum fine  
21 prescribed in this subdivision.

22 (b) If a person is convicted of a violation of Section 56030 and produces in court  
23 a valid wildlife area pass, the court may reduce the fine imposed for the violation  
24 of Section 56030 to fifty dollars (\$50).

25 **Comment.** Section 56035 continues former Fish and Game Code Section 12002.5 without  
26 substantive change.

27 **Note.** Existing Section 12002.5 begins with the disclaimer, “Notwithstanding Section  
28 12002....” The only provision of Section 12002 that appears to be relevant to the purpose of that  
29 reference is Section 12002(a). Proposed Section 56035 would refer to the section that continues  
30 Section 12002(a). **The Commission invites Comment on whether that revision would be**  
31 **problematic.**

32 **CHAPTER 3. NATIVE SPECIES CONSERVATION AND**  
33 **ENHANCEMENT ACCOUNT**

34 **§ 56050. Creation of account**

35 56050. The department shall maintain within the Fish and Game Preservation  
36 Fund a Native Species Conservation and Enhancement Account, which is hereby  
37 created, to permit separate accountability for the receipt and expenditure of  
38 moneys derived through donation from persons or organizations for the support of  
39 nongame and native plant species conservation and enhancement programs.

1       **Comment.** Section 56050 continues former Fish and Game Code Section 1760 without  
2 substantive change.

3       **§ 56055. Deposit of funds**

4       56055. Whenever the department receives funds from persons or organizations  
5 for the support of nongame and native plant species conservation and  
6 enhancement programs, those funds shall be deposited in the Fish and Game  
7 Preservation Fund and credited to the Native Species Conservation and  
8 Enhancement Account.

9       **Comment.** Section 56055 continues former Fish and Game Code Section 1761 without  
10 substantive change.

11       **§ 56060. Donor appreciation**

12       56060. (a) The department shall provide each person or organization making a  
13 contribution of five dollars (\$5) or more for the support of nongame and native  
14 plant species conservation and enhancement programs a suitably prepared  
15 certificate, decal, medallion, or other object of public appreciation signifying the  
16 interest of the person or organization in the conservation and enhancement of  
17 native plant and wildlife species.

18       (b) The commission shall approve the form, nature, and content of any  
19 certificate, decal, medallion or other object proposed for use by the department  
20 pursuant to this section.

21       **Comment.** Section 56060 continues former Fish and Game Code Section 1762 without  
22 substantive change.

23       **§ 56065. Encouraging donations**

24       56065. (a) The department may take all appropriate measures to encourage  
25 donations by individuals, organizations, and public agencies to the Native Species  
26 Conservation and Enhancement Account, including, but not limited to, public  
27 information concerning the status of native plant and wildlife species threatened  
28 by the activities of man.

29       (b) The cost to the department to carry out the provisions of this section may be  
30 charged to the Native Species Conservation and Enhancement Account.

31       **Comment.** Section 56065 continues former Fish and Game Code Section 1763 without  
32 substantive change.

33       **§ 56070. Deposit of fee revenue**

34       56070. (a) The revenues from fees and sales under this chapter and Section 3210  
35 shall be deposited in the Native Species Conservation and Enhancement Account  
36 in the Fish and Game Preservation Fund, and shall be available for appropriation  
37 for expenditure in the 1988–89 and subsequent fiscal years in the following order  
38 of priority:

39       (1) Repayment of any loan to the account from the Fish and Game Preservation  
40 Fund. The amounts repaid annually shall be prorated to complete the repayment

1 with interest on or before July 1, 1993. Interest shall be calculated at the rate  
2 earned by the Surplus Money Investment Fund from the date funds for the loan  
3 were advanced to the date of repayment.

4 (2) The costs of ongoing wildlife management programs incurred at any lands  
5 managed by the department alone or cooperatively with other governmental  
6 agencies, irrespective of their designation pursuant to Section 56030, that are not  
7 adequately funded under Section 58000 or 58010.

8 (3) The costs of natural history education and recreational programs and  
9 improvements at areas designated pursuant to Section 56030.

10 (4) Augmentation of wildlife management programs and acquisition of  
11 additional lands at areas designated pursuant to Section 56030.

12 (b) Revenues from fees and sales under this chapter and Section 3210 shall be  
13 used to augment and not to replace money appropriated from existing funds  
14 available to the department for the purposes specified in subdivision (a).

15 **Comment.** Section 56070 continues former Fish and Game Code Section 1767.5 without  
16 substantive change.

17 **§ 56075. Legislative finding and declaration**

18 56075. The Legislature finds and declares that the revenues from fees and sales  
19 under this chapter are related to the protection and propagation of fish and game  
20 within the meaning of Section 9 of Article XVI of the California Constitution.

21 **Comment.** Section 56075 continues former Fish and Game Code Section 1768 without  
22 substantive change.

23 **§ 56080. Wildlife area pass**

24 56080. (a) The department may issue an annual wildlife area pass or a day use  
25 pass that authorizes the bearer to enter and use facilities and programs on the  
26 department managed lands subject to Section 56030 for the period of a calendar  
27 year or, if issued after the beginning of the year, for the remainder thereof.

28 (b) The fee for the annual wildlife area pass is ten dollars (\$10). The fee for the  
29 day use pass is two dollars (\$2).

30 (c) The fees shall be adjusted in the calendar years following 1989 in accordance  
31 with Section 3755.

32 (d) The following persons are exempt from the payment of fees under this  
33 section for an annual wildlife area pass or a day use pass:

34 (1) A person under the age of 16 years.

35 (2) A tour by an organized youth or school group.

36 (e) Any person eligible for a reduced fee or free sportfishing license pursuant to  
37 Section 13150 or Sections 13200 through 13215, inclusive, shall be issued an  
38 annual wildlife area pass upon application therefor and under the same conditions  
39 and for the same fee as provided in those sections.

40 (f) There shall be appropriated in the annual Budget Act from the General Fund,  
41 for transfer to the Native Species Conservation and Enhancement Account, a sum

1 equal to two dollars (\$2) for each free annual wildlife area pass issued pursuant to  
2 subdivision (e) during the preceding calendar year.

3 **Comment.** Section 56080 continues former Fish and Game Code Section 1765 without  
4 substantive change.

5 **§ 56085. Native species stamp**

6 56085. The department may also offer for sale a native species stamp,  
7 promotional materials, and nature study aids. The fee for a native species stamp is  
8 seven dollars and fifty cents (\$7.50), as adjusted in the calendar years following  
9 1989 in accordance with Section 3755.

10 **Comment.** Section 56085 continues former Fish and Game Code Section 1766 without  
11 substantive change.

12 **§ 56090. Promotional activity**

13 56090. (a) The department may take all appropriate measures to encourage  
14 persons to obtain annual wildlife area passes and day use passes issued pursuant to  
15 Section 56080, and to promote the sale of native species stamps, promotional  
16 materials, and nature study aids to provide revenue for the support of the  
17 department.

18 (b) The measures may include, but are not limited to, the dissemination of public  
19 information concerning the status of wildlife, fish, and plant species, conservation  
20 activities of the department, and programs and facilities provided by the  
21 department for the enjoyment of the lands managed by the department.

22 **Comment.** Section 56090 continues former Fish and Game Code Section 1769 without  
23 substantive change.

24 CHAPTER 4. ENDANGERED AND RARE FISH, WILDLIFE, AND  
25 PLANT SPECIES CONSERVATION AND ENHANCEMENT  
26 ACCOUNT

27 **§ 56100. Creation of account**

28 56100. The department shall maintain within the Fish and Game Preservation  
29 Fund an Endangered and Rare Fish, Wildlife, and Plant Species Conservation and  
30 Enhancement Account which is hereby created.

31 **Comment.** Section 56100 continues former Fish and Game Code Section 1770 without  
32 substantive change.

33 **§ 56105. Deposit of funds**

34 56105. (a) Whenever the department receives funds from the Treasurer under  
35 Article 7 (commencing with Section 18520) of Chapter 17 of Part 10 of Division 2  
36 of the Revenue and Taxation Code for the support of this chapter, the funds shall  
37 be deposited in the Fish and Game Preservation Fund and credited to the

1 Endangered and Rare Fish, Wildlife, and Plant Species Conservation and  
2 Enhancement Account.

3 (b) These funds are for the support of programs for endangered and rare animals  
4 and native plant species as determined by the commission, related conservation  
5 and enhancement programs, and programs for those species that may be  
6 candidates for determination as endangered or rare under the criteria developed by  
7 the commission.

8 (c) The administrative overhead assessment on that portion of funds deposited in  
9 the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and  
10 Enhancement Account expended through contracts shall not exceed 15 percent.

11 **Comment.** Section 56105 continues former Fish and Game Code Section 1771 without  
12 substantive change.

13 **Note.** Existing Section 1771 refers to “Article 7 (commencing with Section 18520) of  
14 Chapter 17 of Part 10 of Division 2.” There is no such article, chapter, or section. **The**  
15 **Commission invites comment on how to correct this erroneous cross-reference.**

16 **§ 56110. Encouraging donations**

17 56110. (a) The department may take all appropriate measures to encourage  
18 donations to this account through the tax return checkoff system provided for in  
19 Article 7 (commencing with Section 18520) of Chapter 17 of Part 10 of Division 2  
20 of the Revenue and Taxation Code.

21 (b) The department may also disseminate information to the public concerning  
22 the status of endangered and rare species. The cost to the department to carry out  
23 the provisions of this section may be charged to this account.

24 **Comment.** Section 56110 continues former Fish and Game Code Section 1772 without  
25 substantive change.

26 **Note.** Existing Section 1772 refers to “Article 7 (commencing with Section 18520) of  
27 Chapter 17 of Part 10 of Division 2.” There is no such article, chapter, or section. **The**  
28 **Commission invites comment on how to correct this erroneous cross-reference.**

29 **TITLE 7. SHARED HABITAT ALLIANCE FOR**  
30 **RECREATIONAL ENHANCEMENT PROGRAM**

31 **CHAPTER 1. GENERAL PROVISIONS**

32 **§ 56200. Legislative intent**

33 56200. (a) In establishing the Shared Habitat Alliance for Recreational  
34 Enhancement (“SHARE”) program, it is the intent of the Legislature to encourage  
35 private landowners to voluntarily make their land available to the public for  
36 wildlife-dependent recreational activities.

1 (b) The Legislature further encourages private landowners to use any funds  
2 received from the SHARE program for wildlife conservation purposes on their  
3 property.

4 (c) The SHARE program shall be a collaborative effort by all participants to  
5 facilitate wildlife-dependent recreational activities on private land at minimal  
6 expense to the state.

7 (d) The Legislature declares that interested nongovernmental organizations are  
8 the key to developing, planning, and implementing the SHARE program.

9 **Comment.** Section 56200 continues former Fish and Game Code Section 1570 without  
10 substantive change.

11 **§ 56205. Definitions**

12 56205. For purposes of this title, the following definitions apply:

13 (a) “Agreement” includes, but is not limited to, a contract, license, easement,  
14 memorandum of understanding, or lease.

15 (b) “Partnership” means a collaborative effort involving financial or in-kind  
16 contributions by nongovernmental organizations, the department, and other  
17 interested parties working in concert to achieve the goals of the program.

18 (c) “Private landowner” means an owner of any possessory interest in real  
19 property that is suitable for use for wildlife-dependent recreational activities.

20 (d) “Program” means the SHARE program established under this title.

21 (e) “Wildlife-dependent recreational activities” means hunting, fishing, wildlife  
22 observation, conservation education, and related outdoor activities through means  
23 that are consistent with applicable law.

24 **Comment.** Section 56205 continues former Fish and Game Code Section 1571 without  
25 substantive change.

26 **CHAPTER 2. PROGRAM ADMINISTRATION**

27 **§ 56225. Program established**

28 56225. There is hereby established the Shared Habitat Alliance for Recreational  
29 Enhancement (SHARE) program.

30 **Comment.** Section 56225 continues the first sentence of former Fish and Game Code Section  
31 1572(a) without substantive change.

32 **§ 56230. Implementation**

33 56230. The department, in partnership with nonprofit conservation groups and  
34 other interested nongovernmental organizations that seek to increase and enhance  
35 wildlife-dependent recreational opportunities, shall work cooperatively to  
36 implement the program in order to facilitate public access to private lands in a  
37 voluntary and incentive-based manner.

38 **Comment.** Section 56230 continues the second sentence of former Fish and Game Code  
39 Section 1572(a) without substantive change.

1    **§ 56235. Priorities**

2       56235. In determining which lands may be included in the program, the  
3 department shall give priority to those lands with the greatest wildlife habitat  
4 value. To the extent possible, the department shall also include in the program  
5 private lands that permit multiple wildlife-dependent recreational activities, in  
6 order to take into consideration the participation of the general public in the  
7 program.

8       **Comment.** Section 56235 continues former Fish and Game Code Section 1573(g) without  
9 substantive change.

10    **§ 56240. Grants and agreements**

11       56240. The department may make grants to, or enter into agreements with,  
12 nonprofit organizations, governmental entities, or any other entities for the use of  
13 the funds described in Section 56255 when the department finds that the  
14 agreements are necessary for carrying out the purposes of this title.

15       **Comment.** Section 56240 continues former Fish and Game Code Section 1572(d) without  
16 substantive change.

17    **§ 56245. Landowner agreements**

18       56245. (a) The department may enter into a voluntary agreement with a private  
19 landowner, including an agreement under which the private landowner is  
20 compensated by the department for public use of the land, to provide public access  
21 for wildlife-dependent recreational activities. Any financial compensation offered  
22 to a private landowner pursuant to this subdivision shall not exceed thirty dollars  
23 (\$30) per acre, or fifty dollars (\$50) per public participant per day, and shall be  
24 commensurate with the quality of the wildlife-dependent recreational opportunities  
25 that are to be provided on the property.

26       (b) The department also may enter into a voluntary agreement with a private  
27 landowner to facilitate access to adjacent public lands or waters, upon approval of  
28 the governmental entity that holds title to the land. This title does not authorize a  
29 private landowner to exclude persons not participating in the SHARE program  
30 from using public land for wildlife-dependent recreational activities.

31       (c) The department may enter into a voluntary agreement with a governmental  
32 entity to provide wildlife-dependent recreational opportunities to the public on  
33 public lands or waters.

34       **Comment.** Section 56245 continues former Fish and Game Code Section 1573(a) without  
35 substantive change.

36    **§ 56250. Limitations on agreements**

37       56250. An agreement executed pursuant to the program shall not authorize the  
38 take of nongame species by public participants in the program. An agreement may  
39 not authorize a private landowner to transfer a hunting or fishing license, stamp, or  
40 tag to another person, unless otherwise authorized by law.

1       **Comment.** Section 56250 continues former Fish and Game Code Section 1573(f) without  
2 substantive change.

3       **§ 56255. Modification or cancellation of agreement**

4       56255. Either the department or a private landowner may, in writing, modify or  
5 cancel an agreement executed under the program, at any time. Upon cancellation  
6 or modification of the agreement by either party, the other party shall be  
7 reimbursed for any lost revenues or expenses incurred pursuant to the terms of the  
8 original agreement.

9       **Comment.** Section 56255 continues former Fish and Game Code Section 1573(c) without  
10 substantive change.

11       **§ 56260. Landowner protections and remedies**

12       56260. In addition to any other protection or remedy under law, the protections  
13 and remedies afforded to an owner of an estate or any other interest in real  
14 property under Section 846 of the Civil Code shall apply to a private landowner,  
15 nonprofit organization, or other entity participating in the program.

16       **Comment.** Section 56260 continues former Fish and Game Code Section 1573(d) without  
17 substantive change.

18       **§ 56265. Waiver of liability**

19       56265. The department shall require every person who wants to use land that is  
20 subject to an agreement pursuant to Section 56245, prior to using that land, to sign  
21 a waiver that releases the department or any private group, nonprofit organization,  
22 governmental entity, or other organization involved in administering the program,  
23 and the private landowner, from liability for any injury or damage that arises from,  
24 or is connected with that person's use of the land. Upon request, the department  
25 shall provide a copy of the waiver to any of the parties to the waiver.

26       **Comment.** Section 56265 continues former Fish and Game Code Section 1573(e) without  
27 substantive change.

28       **§ 56270. Regulations**

29       56270. The department shall adopt regulations for the management and control  
30 of wildlife-dependent recreational activities on land that is subject to the program.

31       **Comment.** Section 56270 continues the first sentence of former Fish and Game Code Section  
32 1572(b) without substantive change.

33       **§ 56275. Enforcement**

34       56275. (a) The department may revoke, for up to three years, the public access  
35 privilege granted pursuant to this title, of any person who violates any provision of  
36 this code or regulation adopted pursuant to this code while on any property that is  
37 subject to an agreement under the program.

1 (b) The department shall enforce all applicable regulations established by the  
2 commission or the department on property that is subject to an agreement executed  
3 under the program.

4 **Comment.** Section 56275 continues former Fish and Game Code Section 1574 without  
5 substantive change.

6 **§ 56280. Personal information of landowner**

7 56280. Notwithstanding any other provision of law, the department shall keep  
8 confidential and not release to the public any personal identifying information  
9 received from a private landowner participating in the program, unless the director  
10 determines that release of that information is necessary for the administration of  
11 the program.

12 **Comment.** Section 56280 continues former Fish and Game Code Section 1573(b) without  
13 substantive change.

14 **§ 56285. Annual reports**

15 56285. The department shall report to the commission annually on the status of  
16 the program and maintain data on the types of wildlife-dependent recreational  
17 activities preferred by landowners and participants in the program.

18 **Comment.** Section 56285 continues the second sentence of former Fish and Game Code  
19 Section 1572(b) without substantive change.

20 **§ 56290. Application of other law**

21 56290. The program is not subject to Part 2 (commencing with Section 10100)  
22 of Division 2 of the Public Contract Code, or Article 6 (commencing with Section  
23 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

24 **Comment.** Section 56290 continues former Fish and Game Code Section 1572(e) without  
25 substantive change.

26 **CHAPTER 3. FINANCES**

27 **§ 56325. SHARE Account established**

28 56325. The SHARE Account is hereby established in the Fish and Game  
29 Preservation Fund. Money deposited in the account from the sources cited in this  
30 chapter shall only be used for the purposes set forth in this title.

31 **Comment.** Section 56325 continues former Fish and Game Code Section 1572(c)(1) without  
32 substantive change.

33 **§ 56330. Funding**

34 56330. Consistent with existing law, the department may establish and impose  
35 user fees, use existing hunting and fishing license stamp or tag fees from the Fish  
36 and Game Preservation Fund, or apply for grants, federal funds, or other

1 contributions from other sources to fund the program. General Fund moneys shall  
2 not be used for the program.

3 **Comment.** Section 56330 continues former Fish and Game Code Section 1572(c)(2) without  
4 substantive change.

5 **§ 56335. Deposit and expenditure**

6 56335. (a) All funding generated pursuant to Section 56330 from grants, federal  
7 funds, or other sources, where the person or entity providing the funds specifically  
8 designates in writing prior to the time of transmittal of the funds to the department  
9 that the funds are intended solely for the purposes of the program, and any user  
10 fees assessed by the department specifically for the program, shall be deposited in  
11 the SHARE Account in the Fish and Game Preservation Fund.

12 (b) The moneys in the SHARE account, upon appropriation by the Legislature,  
13 shall be available for expenditure by the department solely for programs and  
14 projects to benefit the program and for the direct costs and administrative  
15 overhead incurred solely in carrying out the department's program activities.

16 (c) Funds may also be used for wildlife conservation purposes on lands subject  
17 to an agreement under the program.

18 (d) Administrative overhead shall be limited to the reasonable costs associated  
19 with the direct administration of the program.

20 (e) The department shall maintain internal accountability necessary to ensure  
21 that all restrictions on the expenditure of these funds are met.

22 **Comment.** Section 56335 continues former Fish and Game Code Section 1572(c)(3) without  
23 substantive change.

24 **§ 56340. Reimbursement of other persons and entities**

25 56340. The department may reimburse a nonprofit organization, a private  
26 landowner, or other entity for its costs related to the implementation of the  
27 program.

28 **Comment.** Section 56340 continues former Fish and Game Code Section 1572(f) without  
29 substantive change.

30 TITLE 8. ENHANCEMENT AND MANAGEMENT  
31 OF FISH AND WILDLIFE AND THEIR HABITAT  
32 ON PRIVATE LANDS

33 CHAPTER 1. GENERAL PROVISIONS

34 **§ 56500. Policy**

35 56500. It is the policy of the state actively to ensure the improvement of wildlife  
36 habitat on private land in order to encourage the propagation, utilization, and  
37 conservation of fish and wildlife resources on those lands now and for the future in

1 cooperation with private landowners. The commission and the department may  
2 develop a private wildlife habitat enhancement and management program for the  
3 implementation of this title.

4 **Comment.** Section 56500 continues former Fish and Game Code Section 3400 without  
5 substantive change.

6 **CHAPTER 2. ESTABLISHMENT AND REGULATION**

7 **§ 56525. License to operate wildlife habitat enhancement and management area**

8 56525. The commission may authorize the department to issue revocable,  
9 nontransferable licenses for the operation of wildlife habitat enhancement and  
10 management areas on any private lands it determines are suitable for habitat  
11 enhancement, management, utilization, propagation, and conservation of fish and  
12 wildlife resources of those lands.

13 **Comment.** Section 56525 continues the first sentence of former Fish and Game Code Section  
14 3401(a) without substantive change.

15 **§ 56530. License application**

16 56530. (a) A license for a wildlife habitat enhancement and management area  
17 may be issued to any landholder or combination of landholders upon approval by  
18 the commission of an application submitted by the landholder. As used in this title,  
19 “landholder” means any person who owns, leases, or has a possessory interest in  
20 land.

21 (b) Each license application shall be accompanied by a nonrefundable fee in an  
22 amount established by the commission which, in conjunction with the fees  
23 collected pursuant to Section 56585, is calculated to meet the department’s actual  
24 costs in administering all aspects of the habitat enhancement and management  
25 program. The application shall be accompanied by a wildlife habitat enhancement  
26 and management plan and any other information about the proposed wildlife  
27 habitat enhancement and management area that may be required by the  
28 commission.

29 (c) An application for a license may be submitted by any number of landholders  
30 if all parcels to be included in the wildlife habitat enhancement and management  
31 area are contiguous and, in combination, are of a size suitable for the management  
32 of the species included in the wildlife habitat enhancement and management plan.  
33 The landholders shall designate one landholder who shall represent them in all  
34 dealings with the commission and the department. The designated landholder shall  
35 be responsible for the operation of the wildlife habitat enhancement and  
36 management area.

37 (d) A landholder who does not own the fee to the land may apply for a license  
38 pursuant to this title only if the owner signs the application.

39 **Comment.** Section 56530 continues former Fish and Game Code Section 3402 without  
40 substantive change.

1    **§ 56535. Plan and license**

2       56535. (a) Upon approval of the wildlife habitat enhancement and management  
3 plan, the department shall issue a license, which shall be valid for five calendar  
4 years, authorizing the taking of those species of fish, game birds, and game  
5 mammals designated in the wildlife habitat enhancement and management plan,  
6 pursuant to the plan and regulations of the commission for the operation of the  
7 wildlife habitat enhancement and management area.

8       (b) Regulations adopted pursuant to this section may supersede any provision of  
9 this code designated by number in the regulation, but shall do so only to the extent  
10 specifically provided in the regulation.

11       **Comment.** Section 56535 continues former Fish and Game Code Section 3406(a) without  
12 substantive change.

13    ☞ **Note.** Existing Section 3406(a) refers to “regulations adopted pursuant to this section.” That  
14 reference to “this section” has been preserved in proposed Section 56535, even though Section  
15 56535 would not continue the entirety of Section 3406. This appears to be appropriate, because  
16 subdivision (a) of Section 3406 is the only part of that section that seems to authorize rulemaking.  
17    **The Commission invites comment on whether the scope of the reference proposed in Section**  
18 **56535 would cause any problems.**

19    **§ 56540. License revocation**

20       56540. After notice and a hearing, the commission may revoke the license for  
21 any violation of any provision of this code or any regulations adopted pursuant  
22 thereto or for any violation of the terms of the license.

23       **Comment.** Section 56540 continues former Fish and Game Code Section 3404(b) without  
24 substantive change.

25    **§ 56545. Boundary posting**

26       56545. The commission shall require the landowners of a wildlife habitat  
27 enhancement and management area to post all or part of its boundaries with public  
28 land. The commission may require the owners of a wildlife habitat enhancement  
29 and management area to post all or part of its boundaries with private land.

30       **Comment.** Section 56545 continues former Fish and Game Code Section 3403 without  
31 substantive change.

32    **§ 56550. Review and reporting**

33       56550. (a) The activities conducted pursuant to each wildlife habitat  
34 enhancement and management plan shall be reviewed annually by the department  
35 and reviewed by the commission at a public hearing.

36       (b) Each licensee shall annually submit information to the department about past  
37 activities and the activities intended to be conducted in the succeeding year. Any  
38 change to the wildlife habitat enhancement and management plan or the  
39 regulations applicable to the wildlife habitat enhancement and management area  
40 shall be proposed to the commission by the department or the licensee at the  
41 license review hearing.



1 (b) Any fish, bird, or mammal so identified may be possessed and transported at  
2 any time during the period for which the tag or seal is valid.

3 (c) The fees for tags and seals shall be established by the commission in  
4 amounts which, in conjunction with fees collected pursuant to Section 56530, are  
5 calculated to meet the actual costs incurred by the department in administering all  
6 aspects of the habitat enhancement and management program.

7 **Comment.** Section 56585 continues former Fish and Game Code Section 3407 without  
8 substantive change.

9  **Note.** Existing Section 3407 refers to “Section 372 of Title 14 of the California Code of  
10 Regulations.” There is no such regulation. **The Commission invites comment on how to correct  
11 this erroneous reference.**

12 **§ 56590. Take of deer**

13 56590. During the first year of operation of a wildlife habitat enhancement and  
14 management area under a wildlife habitat enhancement and management plan and,  
15 thereafter, until the operator demonstrates habitat enhancement in the area  
16 acceptable to the department, no person shall take, and the plan shall not authorize  
17 the taking, of deer except during the general open season and consistent with the  
18 bag and possession limits for the fish and game district or the zone in which the  
19 wildlife habitat enhancement and management area is located.

20 **Comment.** Section 56590 continues former Fish and Game Code Section 3406(b) without  
21 substantive change.

22 **§ 56595. Hunting during the rut**

23 56595. The commission shall authorize hunting during the rut only in a wildlife  
24 habitat enhancement and management area when that hunting is consistent with  
25 the management plans prepared for that area or herd and does not result in an  
26 overall negative effect on the deer herd population in that area.

27 **Comment.** Section 56595 continues former Fish and Game Code Section 3401(b) without  
28 substantive change.

29 TITLE 9. THE CALIFORNIA WATERFOWL  
30 HABITAT PROGRAM

31 **§ 56700. Contract for conservation of waterfowl and habitat**

32 56700. (a) Subject to appropriation pursuant to Section 56740, the director may  
33 enter into contracts with nonpublic entities that are owners of record, or with  
34 lessees, who have the owners of record execute the contract, of land determined by  
35 the director to be important for the conservation of waterfowl.

36 (b) The contract shall enforceably restrict the use of the land for the  
37 conservation of waterfowl and their habitat consistent with Section 8 of Article  
38 XIII of the California Constitution.

1       **Comment.** Section 56700 continues former Fish and Game Code Section 3460(a) without  
2 substantive change.

3       **§ 56705. Contract term and contents**

4       56705. Each contract shall be for an initial term of 10 years and shall include all  
5 of the following:

6       (a) The designation of the owner of record and any lessee, and the legal  
7 description and the assessor's parcel number of the land subject to the contract.

8       (b) An agreement by the owner and any lessee to restore, enhance, and protect  
9 the waterfowl habitat character of the described land and to carry out a waterfowl  
10 habitat management plan developed with the department.

11       (c) Specification of the amount and date in each year that the payment is to be  
12 made by the department to the owner or lessee, which shall be calculated at the  
13 rate or rates that the director determines to be fair and reasonable in consideration  
14 of the obligations undertaken by the owner or lessee.

15       (d) A requirement that the owner or lessee do either of the following:

16       (1) Refund to the state all payments received under the contract plus interest at  
17 the legal rate, as specified in Section 3289 of the Civil Code, upon the owner's or  
18 lessee's violation of the contract, or any extension thereof, if the director  
19 determines that the violation warrants termination of the contract and the director  
20 terminates the contract.

21       (2) Make refunds or accept payment adjustments that the director determines are  
22 appropriate, not to exceed the total amount paid by the state to the owner or lessee  
23 in the preceding calendar year plus interest at the legal rate, as specified in Section  
24 3289 of the Civil Code, if the director determines that the violation by the owner  
25 or lessee does not warrant termination of the contract.

26       (e) A requirement that the department reduce the amount of any payment to the  
27 owner or lessee under subdivision (c) by an amount equal to the portion of any  
28 payment under the Federal Water Bank Program (16 U.S.C. Sec. 1301 et seq.) that  
29 the department determines to be in compensation for the same obligation  
30 undertaken by the owner under the water bank program.

31       (f) A requirement that the department monitor compliance with the management  
32 plan or contract with the United States Soil Conservation Service or other  
33 appropriate agency, entity, or person to monitor compliance with the management  
34 plan, and that the owner or lessee allows access for the monitoring.

35       (g) Any additional provisions that the director determines are desirable to  
36 effectuate the purposes of the program or to facilitate its administration.

37       **Comment.** Section 56705 continues former Fish and Game Code Section 3461 without  
38 substantive change.

39       **§ 56710. Recordation of contract**

40       56710. (a) Not later than 20 days after the director has entered into a contract  
41 pursuant to this division, a copy of the contract particularly describing the subject

1 habitat as required by subdivision (a) of Section 56705 shall be recorded by the  
2 department in the office of the county recorder in each county in which any  
3 portion of the areas subject to the contract is located. The contract shall be indexed  
4 by the recorder in the grantor-grantee index to the name of the owner of record as  
5 grantor and to the department as grantee.

6 (b) Notwithstanding Section 27383 of the Government Code, the department  
7 shall pay the fees for recording and indexing the contract, and the department shall  
8 deduct the amount paid from the amounts due to the owner under the contract.

9 **Comment.** Section 56710 continues former Fish and Game Code Section 3462 without  
10 substantive change.

11  **Note.** Existing Section 3462 refers to any contract entered into by the director pursuant to  
12 “this division.” The division that contains Section 3462 addresses a broad range of subjects  
13 relating to “Birds and Mammals.” Because of the breadth of that reference, the Commission  
14 wonders if it is erroneously overbroad. In addition to the contracts authorized under the California  
15 Waterfowl Habitat Program, the following provisions of the division authorize contracting:  
16 Sections 3684, 3686, 3702, 3704.5, 3802, 3851, 3853, 3953, 4154. **The Commission invites**  
17 **comment on whether Section 3462 should apply to all of those sections, this title only, or**  
18 **some other combination of sections?**

19 **§ 56715. Renewal of contract**

20 56715. (a) The contract shall be automatically renewed in the same manner as  
21 contracts are renewed and extended, or noticed for nonrenewal, under the  
22 Williamson Act (Chapter 7 (commencing with Section 51200) of Division 1 of  
23 Title 5 of the Government Code).

24 (b) Upon the request of the owner or lessee, the director shall reexamine the  
25 payment rate for the contract at five-year intervals, considering the then current  
26 management costs and, with the concurrence of the owner or lessee, make any  
27 needed adjustments in rates for the remainder of the contract term.

28 **Comment.** Section 56715 continues former Fish and Game Code Section 3464 without  
29 substantive change.

30 **§ 56720. Modification of terms**

31 56720. The director and the owner or lessee may mutually agree to modify the  
32 terms and conditions of a contract under this division as the director may  
33 determine to be desirable to carry out the purposes of, or to facilitate  
34 administration of, the program.

35 **Comment.** Section 56720 continues former Fish and Game Code Section 3466 without  
36 substantive change.

37  **Note.** Existing Section 3466 refers to any contract entered into by the director pursuant to  
38 “this division.” The division that contains Section 3466 addresses a broad range of subjects  
39 relating to “Birds and Mammals.” Because of the breadth of that reference, the Commission  
40 wonders if it is erroneously overbroad. In addition to the contracts authorized under the California  
41 Waterfowl Habitat Program, the following provisions of the division authorize contracting:  
42 Sections 3684, 3686, 3702, 3704.5, 3802, 3851, 3853, 3953, 4154. **The Commission invites**

1 **comment on whether Section 3462 should apply to all of those sections, this title only, or**  
2 **some other combination of sections?**

3 **§ 56725. Change in ownership**

4 56725. (a) If during the contract period the owner or lessee is divested of the use  
5 of the waterfowl habitat subject to the contract, the owner or lessee shall notify the  
6 department concurrent with that divestment. Any unearned payment shall  
7 immediately be refunded by the owner or lessee to the department.

8 (b) If the owner or lessee divests himself or herself of the use of the area subject  
9 to a contract by sale or otherwise, the person succeeding to that use is subject to all  
10 of the terms and conditions of the contract.

11 **Comment.** Section 56725 continues former Fish and Game Code Section 3465 without  
12 substantive change.

13 **§ 56730. Priorities**

14 56730. The director shall give priority to contracts that have the greatest  
15 potential for restoring, enhancing, and protecting high quality waterfowl habitat,  
16 especially that which is subject to destruction, drastic modification, or significant  
17 curtailment of habitat values.

18 **Comment.** Section 56730 continues former Fish and Game Code Section 3460(b) without  
19 substantive change.

20 **§ 56735. Application of Public Contract Code**

21 56735. Contracts entered into pursuant to Section 56700 are not subject to Part 2  
22 (commencing with Section 10100) of Division 2 of the Public Contract Code.

23 **Comment.** Section 56735 continues former Fish and Game Code Section 3460(c) without  
24 substantive change.

25 **§ 56740. California Waterfowl Habitat Preservation Account**

26 56740. (a) The California Waterfowl Habitat Preservation Account is hereby  
27 created in the Fish and Game Preservation Fund, and the money in the account  
28 shall be transferred to the Surplus Money Investment Fund for investment  
29 pursuant to Article 4 (commencing with Section 16470) of Chapter 3 of Division 4  
30 of Title 2 of the Government Code.

31 (b) The proceeds of the investment deposited in the account shall be available,  
32 upon appropriation by the Legislature, for expenditure pursuant to this title.

33 (c) Not more than 7 percent of the money appropriated from the account for  
34 expenditure in any fiscal year shall be expended in that fiscal year for  
35 administrative costs of the department.

36 **Comment.** Section 56740 continues former Fish and Game Code Section 3467 without  
37 substantive change.

1 TITLE 10. SALTON SEA RESTORATION

2 CHAPTER 1. GENERAL PROVISIONS

3 § 56800. Short title

4 56800. This title shall be known and may be cited as the Salton Sea Restoration  
5 Act.

6 **Comment.** Section 56800 continues former Fish and Game Code Section 2930 without  
7 substantive change.

8 § 56805. Legislative intent

9 56805. It is the intent of the Legislature that the State of California undertake the  
10 restoration of the Salton Sea ecosystem and the permanent protection of the  
11 wildlife dependent on that ecosystem.

12 **Comment.** Section 56805 continues former Fish and Game Code Section 2931(a) without  
13 substantive change.

14 § 56810. Findings and declarations

15 56810. The Legislature finds and declares all of the following:

16 (a) The Salton Sea is California's largest inland water body with beneficial uses  
17 that include fisheries and wildlife habitat and preservation of endangered species,  
18 and is a repository for agricultural drainage.

19 (b) The Salton Sea ecosystem is a critical link on the international Pacific  
20 Flyway and supports over 400 species of birds.

21 (c) The Salton Sea is threatened by increasing salinity and reduced inflows.  
22 These changes increasingly threaten the unparalleled wildlife resources at the sea,  
23 as well as air quality in the region.

24 (d) In cooperation with local governments, nonprofit organizations, private  
25 businesses, and the public, the Salton Sea Authority can help protect wildlife  
26 habitats and endangered species, improve water and air quality, and enhance  
27 recreational opportunities in the region.

28 (e) In restoring the Salton Sea, it is the intent of the Legislature to do all of the  
29 following:

30 (1) Protect and provide long-term conservation of fish and wildlife that are  
31 dependent on the Salton Sea ecosystem.

32 (2) Restore the long-term stable aquatic and shoreline habitat for fish and  
33 wildlife that depend on the Salton Sea.

34 (3) Mitigate air quality impacts from restoration projects using the best available  
35 technology or best available control measures, as determined by the South Coast  
36 Air Quality Management District and the Imperial County Air Pollution Control  
37 District.

38 (4) Protect water quality.

39 (5) Maintain the Salton Sea as a vital link along the Pacific Flyway.

1 (6) Preserve local tribal heritage and cultural values associated with the Salton  
2 Sea.

3 (7) Minimize noxious odors and other water and air quality problems.

4 (8) Coordinate with local, state, and federal agencies that are responsible for air  
5 quality, endangered species, and other environmental mitigation implementation  
6 requirements of the Quantification Settlement Agreement.

7 (9) Enhance economic development opportunities that will provide sustainable  
8 financial improvements benefiting the local environment and the economic quality  
9 of life for communities around the Salton Sea.

10 **Comment.** Section 56810 continues former Fish and Game Code Section 2940 without  
11 substantive change.

12 **§ 56815. Definitions**

13 56815. Unless the context requires otherwise, the definitions set forth in this  
14 section govern the construction of this title.

15 (a) “Agency” means the Natural Resources Agency.

16 (b) “Habitat mosaics” means two or more proximate habitat types, such as  
17 saltwater shoreline abutting riverine deltas and irrigated farmland.

18 (c) “Quantification Settlement Agreement” has the same meaning as defined in  
19 subdivision (a) of Section 1 of Chapter 617 of the Statutes of 2002.

20 (d) “Salton Sea Authority” or “authority” means the joint powers authority  
21 comprised of the County of Imperial, the County of Riverside, the Imperial  
22 Irrigation District, the Coachella Valley Water District, and the Torres Martinez  
23 Desert Cahuilla Indian Tribe.

24 (e) “Secretary” means the Secretary of the Natural Resources Agency.

25 (f) “Vector management” means services that eliminate or reduce the risk of  
26 illness caused by any organism transporting a pathogen.

27 **Comment.** Section 56815 generalizes former Fish and Game Code Section 2941 without  
28 substantive change.

29 **Note.** Existing Section 2941 applies, by its terms, to Article 2 (commencing with Section  
30 2940) of Chapter 13 of Division 3 of the Fish and Game Code. Proposed Section 56815 would  
31 generalize the provision slightly, so that it also applies to Article 1 of Chapter 13. **The**  
32 **Commission invites comment on whether that change would cause any problems.**

33 **§ 56820. Effect of article**

34 56820. (a) Nothing in this title interferes with or prevents the exercise of  
35 authority by a public agency to carry out its programs, projects, or responsibilities.

36 (b) Nothing in this title affects requirements imposed under any other provision  
37 of law.

38 **Comment.** Section 56820 generalizes former Fish and Game Code Section 2945 without  
39 substantive change.

40 **Note.** Existing Section 2945 applies, by its terms, to Article 2 (commencing with Section  
41 2940) of Chapter 13 of Division 3 of the Fish and Game Code. Proposed Section 56820 would

1 generalize the provision slightly, so that it also applies to Article 1 of Chapter 13. **The**  
2 **Commission invites comment on whether that change would cause any problems.**

3 **§ 56825. Quantification Settlement Agreement**

4 56825. Nothing in this title shall alter any state responsibility under the  
5 Quantification Settlement Agreement or the state's authority to carry out any  
6 responsibility under the Quantification Settlement Agreement.

7 **Comment.** Section 56825 generalizes former Fish and Game Code Section 2942(a)(2) without  
8 substantive change.

9  **Note.** Existing Section 2942 applies, by its terms, to Article 2 (commencing with Section  
10 2940) of Chapter 13 of Division 3 of the Fish and Game Code. Proposed Section 56825 would  
11 generalize the provision slightly, so that it also applies to Article 1 of Chapter 13. **The**  
12 **Commission invites comment on whether that change would cause any problems.**

13 **CHAPTER 2. FINANCES**

14 **§ 56850. Creation and use of Salton Sea Restoration Fund**

15 56850. (a) There is hereby established the Salton Sea Restoration Fund, which  
16 shall be administered by the director.

17 (b) Money deposited in the fund shall be expended, upon appropriation by the  
18 Legislature, for the following purposes:

19 (1) Environmental and engineering studies related to the restoration of the  
20 Salton Sea and the protection of fish and wildlife dependent on the sea.

21 (2) Implementation of conservation measures necessary to protect the fish and  
22 wildlife species dependent on the Salton Sea, including adaptive management  
23 measurements pursuant to Article 1 (commencing with Section 63300) of Chapter  
24 6 of Title 3 of Division 17. These conservation measures shall be limited to the  
25 Salton Sea and lower Colorado River ecosystems, including the Colorado River  
26 Delta.

27 (3) Implementation of the preferred Salton Sea restoration alternative.

28 (4) Administrative, technical, and public outreach costs related to the  
29 development and selection of the preferred Salton Sea restoration alternative.

30 **Comment.** Section 56850 continues former Fish and Game Code Section 2932 without  
31 substantive change.

32 **§ 56855. Funds appropriated pursuant to Water Code § 79565**

33 56855. Of the funds appropriated pursuant to Section 79565 of the Water Code,  
34 not less than eight million five hundred thousand dollars (\$8,500,000) shall be  
35 made available for transfer or direct expenditure for acquisition, grants, or other  
36 activities that directly restore the Salton Sea and its transboundary watersheds,  
37 consistent with Section 56850.

38 **Comment.** Section 56855 continues former Fish and Game Code Section 2932.2 without  
39 substantive change.

1    **§ 56860. Deposited funds**

2       56860. (a) Any moneys made available by paragraph (3) of subdivision (b) of  
3       Section 75050 of the Public Resources Code and deposited in the Salton Sea  
4       Restoration Fund shall be expended, upon appropriation by the Legislature in the  
5       annual Budget Act, for a restoration project at the Salton Sea that is consistent  
6       with subdivision (b) of Section 56900.

7       (b)(1) The activities and expenditures authorized by this section shall be limited  
8       to funding those activities identified in the Resources Agency report entitled  
9       “Salton Sea Ecosystem Restoration Program Preferred Alternative Report and  
10      Funding Plan,” and dated May 2007, for completion in the first five years of  
11      implementation identified in the report as “Period I.”

12      (2) The activities specified for completion in Period I include, but are not limited  
13      to, a demonstration project, early start habitat, and additional biological, inflow,  
14      sediment quality, water quality, and air quality investigations.

15      (3) For purposes of carrying out these activities and expending the funds made  
16      available, the Resources Agency shall act as the lead agency and work  
17      cooperatively with designated staff from the Department of Water Resources, the  
18      State Air Resources Board, the State Water Resources Control Board, and the  
19      department.

20      (4) The Resources Agency shall remain the lead agency for implementation, in  
21      partnership with one or more of its departments, unless and until legislation is  
22      enacted on or after January 1, 2009, establishing a new governance structure for  
23      restoration of the Salton Sea.

24      (c) This section is not legislative approval or denial of the preferred alternative  
25      identified in the Secretary of the Resources Agency’s recommendations contained  
26      in the “Salton Sea Ecosystem Restoration Program Preferred Alternative Report  
27      and Funding Plan,” dated May 2007 and submitted to the Legislature.

28      **Comment.** Section 56860 continues former Fish and Game Code Section 2932.3 without  
29      substantive change.

30    **§ 56865. Limitation on use of funds**

31      56865. Moneys deposited in the fund created pursuant to Section 56850 shall  
32      not be expended for mitigation except for mitigation undertaken by the State of  
33      California.

34      **Comment.** Section 56865 continues former Fish and Game Code Section 2932.5 without  
35      substantive change.

36                                    CHAPTER 3. SALTON SEA RESTORATION

37    **§ 56900. Preferred alternative**

38      56900. (a) The restoration of the Salton Sea ecosystem shall be based on the  
39      preferred alternative developed as a result of the restoration study and alternative  
40      selection process described in Article 1 (commencing with Section 63300) of

1 Chapter 6 of Title 3 of Division 17 and using the funds made available in  
2 accordance with that section to be deposited in the Salton Sea Restoration Fund  
3 and other funds made available by the Legislature and the federal government.

4 (b) The preferred alternative shall provide the maximum feasible attainment of  
5 the following objectives:

6 (1) Restoration of long-term stable aquatic and shoreline habitat for the historic  
7 levels and diversity of fish and wildlife that depend on the Salton Sea.

8 (2) Elimination of air quality impacts from the restoration projects.

9 (3) Protection of water quality.

10 **Comment.** Section 56900 continues former Fish and Game Code Section 2931(b)-(c) without  
11 substantive change.

12 **§ 56905. Salton Sea Species Conservation Habitat Project**

13 56905. The department and the Department of Water Resources shall do all of  
14 the following for the Salton Sea Species Conservation Habitat Project:

15 (a) Immediately make available relevant information relating to the factors that  
16 influence the cost and size of the alternatives discussed in the environmental  
17 impact report or environmental impact statement for the species habitat  
18 conservation program.

19 (b) Release all available detail on a final project design immediately, or upon  
20 final determination of a least environmentally damaging preferred alternative by  
21 the United States Army Corps of Engineers. Details of a final project design shall  
22 include location, configuration, size, and cost.

23 (c) Immediately make available project evaluation protocols that include the  
24 following principles of adaptive management:

25 (1) Goals and objectives of the project.

26 (2) The project design and an operations plan.

27 (3) A monitoring plan that will include metrics that identify benefits to the  
28 species.

29 (4) A performance evaluation based on species population identified through  
30 monitoring.

31 (5) A decisionmaking framework to evaluate project performance and guide  
32 operations and management changes.

33 **Comment.** Section 56905 continues former Fish and Game Code Section 2942(a)(3)(B)  
34 without substantive change.

35 **§ 56910. Secretary responsibilities**

36 56910. The secretary, in consultation and coordination with the authority, shall  
37 lead the Salton Sea restoration efforts that shall include all of the following:

38 (a) Early start habitat demonstration projects.

39 (b) Biological investigations relating to the restoration of the Salton Sea.

40 (c) Investigations of water quality, sedimentation, and inflows relating to the  
41 restoration of the Salton Sea.

1 (d) Air quality investigations, in consultation and coordination with local and  
2 regional air quality agencies, relating to the restoration of the Salton Sea.

3 (e) Geotechnical investigations relating to the restoration of the Salton Sea.

4 (f) Financial assistance grant programs to support restoration activities of local  
5 stakeholders.

6 **Comment.** Section 56910 continues former Fish and Game Code Section 2942(a)(1) without  
7 substantive change.

8 **§ 56915. Department of Water Resources restoration efforts**

9 56915. To the extent that funding is appropriated to the department for Salton  
10 Sea restoration activities, the Department of Water Resources, in coordination and  
11 under agreement with the department, may undertake restoration efforts identified  
12 in Sections 56905 and 56910.

13 **Comment.** Section 56915 continues former Fish and Game Code Section 2942(a)(3)(A)  
14 without substantive change.

15 **§ 56920. Department of Water Resources contracts**

16 56920. The Department of Water Resources may contract with water suppliers  
17 to purchase and sell water made available pursuant to Section 1745.02 of the  
18 Water Code to achieve the goals of this title.

19 **Comment.** Section 56920 continues former Fish and Game Code Section 2933 without  
20 substantive change.

21 **§ 56925. Department of Water Resources design-build procurement authority**

22 56925. Notwithstanding any other law, the Department of Water Resources is  
23 authorized to use design-build procurement authority for projects constructed at  
24 the Salton Sea in accordance with Article 6 (commencing with Section 10187) of  
25 Chapter 1 of Part 2 of Division 2 of the Public Contract Code.

26 **Comment.** Section 56925 continues former Fish and Game Code Section 2942(c) without  
27 substantive change.

28 **§ 56930. Feasibility study**

29 56930. The authority may lead a feasibility study, in coordination and under  
30 contract with the secretary, to do the following:

31 (a) Investigate access and utility agreements that may contribute to the future  
32 funding of restoration activities at the Salton Sea.

33 (b) Analyze all feasible funding sources for restoration program components and  
34 activities.

35 (c) Analyze economic development opportunities, including, but not limited to,  
36 renewable energy, biofuels, mineral development, and algae production for the  
37 purposes of identifying new revenue sources for the Salton Sea restoration efforts.

38 (d) Identify state procurement and royalty sharing opportunities.

39 (e) Review existing long-term plans for restoration of the Salton Sea and  
40 recommend to the secretary changes to existing restoration plans. In any review

1 pursuant to this subparagraph, the authority shall consider the impacts of the  
2 restoration plan on air quality, fish and wildlife habitat, water quality, and the  
3 technical and financial feasibility of the restoration plan and shall consider the  
4 impacts on other agencies responsible for air quality, endangered species, and  
5 other environmental mitigation requirements for implementation of the  
6 Quantification Settlement Agreement.

7 **Comment.** Section 56930 continues former Fish and Game Code Section 2942(b)(1) without  
8 substantive change.

9 **§ 56935. Local, publicly derived input**

10 56935. For the purposes of considering local, publicly derived input concerning  
11 habitat objectives and actions, types and levels of public access, and integration of  
12 air quality management and habitat restoration, the secretary shall seek input from  
13 the authority with regard to the following components of restoration of the Salton  
14 Sea:

15 (a) Design opportunities and constraints, including the integration of the habitat,  
16 public access, and air quality management objectives.

17 (b) Public access and recreational components.

18 (c) Opportunities for economic development.

19 (d) Habitat mosaics and location.

20 (e) Vector management and predator control.

21 (f) Feasible financial resources to fund all recommended restoration program  
22 components.

23 **Comment.** Section 56935 continues former Fish and Game Code Section 2943 without  
24 substantive change.

25 **§ 56940. Delay prohibited**

26 56940. No evaluation, study, review, or other activity pursuant to this chapter  
27 shall delay the planning and implementation of ongoing and planned restoration or  
28 mitigation projects, including, but not limited to, the Salton Sea Species  
29 Conservation Habitat Project or other measures pursuant to existing state and  
30 federal programs and agreements.

31 **Comment.** Section 56940 continues former Fish and Game Code Section 2942(b)(2) without  
32 substantive change.

33 **§ 56945. Salton Sea ecosystem**

34 56945. For the purpose of the restoration plan, the Salton Sea ecosystem shall  
35 include, but is not limited to, the Salton Sea, the agricultural lands surrounding the  
36 Salton Sea, and the tributaries and drains within the Imperial and Coachella  
37 Valleys that deliver water to the Salton Sea.

38 **Comment.** Section 56945 continues former Fish and Game Code Section 2931(d) without  
39 substantive change.

1 TITLE 11. INLAND WETLANDS  
2 CONSERVATION PROGRAM

3 CHAPTER 1. DEFINITIONS

4 § 57000. Application

5 57000. Unless the context otherwise requires, the definitions in this chapter  
6 govern the construction of this title.

7 **Comment.** Section 57000 continues former Fish and Game Code Section 1400 without  
8 substantive change.

9 § 57005. “Fund”

10 57005. “Fund” means the Inland Wetlands Conservation Fund, created in the  
11 Wildlife Restoration Fund by Section 57635.

12 **Comment.** Section 57005 continues former Fish and Game Code Section 1401 without  
13 substantive change.

14 § 57510. “Board”

15 57510. “Board” means the Wildlife Conservation Board created by Section  
16 54750.

17 **Comment.** Section 57510 continues former Fish and Game Code Section 1402 without  
18 substantive change.

19 § 57515. “Inland area”

20 57515. “Inland areas” means the entire area of California except lands under the  
21 jurisdiction of the State Coastal Conservancy, lands within the Santa Monica  
22 Mountains Zone, as defined in Section 33105 of the Public Resources Code, and  
23 lands under the jurisdiction of the California Tahoe Conservancy Agency in the  
24 Lake Tahoe region, as defined in Section 66905.5 of the Government Code.

25 **Comment.** Section 57515 continues former Fish and Game Code Section 1403 without  
26 substantive change.

27 § 57520. “Program”

28 57520. “Program” means the Inland Wetlands Conservation Program, as  
29 provided in this title.

30 **Comment.** Section 57520 continues former Fish and Game Code Section 1404 without  
31 substantive change.

32 § 57525. “Nonprofit organization”

33 57525. “Nonprofit organization” means an organization described in subsection  
34 (c) of Section 501 of the Internal Revenue Code of the United States (26 U.S.C.  
35 501(c)).

1       **Comment.** Section 57525 continues former Fish and Game Code Section 1405 without  
2 substantive change.

3                                   CHAPTER 2. THE INLAND WETLANDS CONSERVATION  
4                                   PROGRAM

5       **§ 57550. Creation**

6       57550. The Inland Wetlands Conservation Program is hereby created in the  
7 board.

8       **Comment.** Section 57550 continues former Fish and Game Code Section 1410 without  
9 substantive change.

10       **§ 57555. Administration**

11       57555. The board shall administer the program.

12       **Comment.** Section 57555 continues the second sentence of former Fish and Game Code  
13 Section 1411(a) without substantive change.

14       **§ 57560. Purpose and goal of program**

15       57560. The purpose and goal of the program is to carry out the programs of the  
16 Central Valley Habitat Joint Venture.

17       **Comment.** Section 57560 continues former Fish and Game Code Section 1411(c) without  
18 substantive change.

19       **§ 57565. Acquisition of interest in land**

20       57565. The board may acquire or accept the gift or dedication of fee title,  
21 easements, leases, development rights, or other interests in lands in inland areas  
22 necessary to carry out the purposes of this title.

23       **Comment.** Section 57565 continues former Fish and Game Code Section 1413 without  
24 substantive change.

25       **§ 57570. Federal surplus land sales**

26       57570. The board shall coordinate its activities in the program with federal  
27 surplus land sales in inland areas.

28       **Comment.** Section 57570 continues former Fish and Game Code Section 1414 without  
29 substantive change.

30       **§ 57575. Land transactions**

31       57575. (a) Notwithstanding any other provision of law, the board may lease,  
32 rent, sell, exchange, or otherwise transfer any land, interest in land, or option  
33 acquired pursuant to this title for the purposes of carrying out the program.

34       (b) The proceeds from any lease, rental, sale, exchange, or transfer of land, or  
35 any interest therein, or option thereon, shall be deposited in the fund.

36       **Comment.** Section 57575 continues former Fish and Game Code Section 1415 without  
37 substantive change.

1    **§ 57580. Grants and loans**

2       57580. (a) The board may make grants or loans to nonprofit organizations, local  
3 governmental agencies, and state departments and agencies for the purpose of  
4 wetland and associated upland habitat acquisition, restoration, or enhancement in  
5 the same manner and subject to the same provisions as prescribed in Section  
6 31116 of the Public Resources Code.

7       (b) Proceeds from repayment of any loans and the interest thereon shall be  
8 deposited in the fund.

9       **Comment.** Section 57580 continues former Fish and Game Code Section 1416 without  
10 substantive change.

11    **§ 57585. Lease of nonwetlands habitat for restoration**

12       57585. (a) The board may lease nonwetlands habitat in need of restoration to  
13 nonprofit organizations, local governmental agencies, and state departments and  
14 agencies under agreements in which the lessee agrees to restore the wetlands to  
15 their highest possible wetland value and maintain the wetlands at that highest  
16 possible wetland value.

17       (b) Proceeds from any lease or rental and interest thereon shall be deposited in  
18 the fund.

19       **Comment.** Section 57585 continues former Fish and Game Code Section 1417 without  
20 substantive change.

21    **§ 57590. Sale of restored habitat**

22       57590. (a) The board may acquire former wetlands and associated upland  
23 habitat, restore those areas, and sell the lands, or any interest therein, to private  
24 owners, local governmental agencies, and state departments and agencies or  
25 exchange them for other land, if an agreement is secured to keep and maintain the  
26 lands as wetlands in perpetuity.

27       (b) The agreement shall contain a reversion if the lands sold or exchanged are  
28 not maintained as wetlands.

29       (c) The agreement containing the reversion shall be set forth in any conveyance  
30 transferring any land, interest in land, or option subject to this section.

31       (d) Proceeds from the sales or exchanges shall be deposited in the fund.

32       **Comment.** Section 57590 continues former Fish and Game Code Section 1418 without  
33 substantive change.

34    **§ 57595. Grant and loan preferences**

35       57595. (a) In reviewing any grant or loan application, preference shall be given  
36 to projects on wetlands that have a secure source of water or are adjacent to  
37 existing wetlands that are protected by public ownership or conservation  
38 easements, or both.

39       (b) The board shall give preference to wintering habitat in the central valley.

40       **Comment.** Section 57595 continues former Fish and Game Code Section 1420 without  
41 substantive change.



1    **§ 57635. Use of funds**

2       57635. The money in the Inland Wetlands Conservation Fund shall be solely  
3 used to carry out the Inland Wetlands Conservation Program, including the  
4 administrative costs of the program.

5       **Comment.** Section 57635 continues the second sentence of former Fish and Game Code  
6 Section 1430 without substantive change.

7    **§ 57640. Continuous appropriation**

8       57640. Notwithstanding Section 13340 of the Government Code, the money in  
9 the fund is continuously appropriated to the board to carry out this title.

10      **Comment.** Section 57640 continues the second sentence of former Fish and Game Code  
11 Section 1431 without substantive change.

12    **§ 57645. Funding**

13       57645. (a) The Inland Wetlands Conservation Program is the program  
14 designated for use of the funds allocated pursuant to subdivision (f) of Section  
15 55855, as enacted by the California Wildlife Protection Act of 1990.

16       (b) The board is the agency designated for receipt of the funds allocated  
17 pursuant to subdivision (f) of Section 55855, as enacted by the California Wildlife  
18 Protection Act of 1990.

19      **Comment.** Subdivision (a) of Section 57645 continues the first sentence of former Fish and  
20 Game Code Section 1411(a) without substantive change.

21      Subdivision (b) continues former Fish and Game Code Section 1411(b).

22    **§ 57650. Acceptance of financial support**

23       57650. The board may apply for and accept federal grants and receive gifts,  
24 donations, subventions, rent, royalties, and other financial support from public and  
25 private sources for the purposes of the program.

26      **Comment.** Section 57650 continues former Fish and Game Code Section 1412 without  
27 substantive change.

28    **§ 57655. Surplus funds**

29       57655. Any funds remaining after an eligible acquisition, restoration, or  
30 enhancement of any project under Chapter 2 (commencing with Section 57550)  
31 shall be returned to the board and shall be deposited in the fund.

32      **Comment.** Section 57655 continues former Fish and Game Code Section 1419 without  
33 substantive change.

1 TITLE 12. CALIFORNIA RIPARIAN HABITAT  
2 CONSERVATION PROGRAM

3 CHAPTER 1. GENERAL PROVISIONS

4 § 57700. Short title

5 57700. This title shall be known and may be cited as the California Riparian  
6 Habitat Conservation Act.

7 **Comment.** Section 57700 continues former Fish and Game Code Section 1385 without  
8 substantive change.

9 § 57705. Findings and declarations

10 57705. The Legislature finds and declares all of the following:

11 (a) California's rivers, wetlands, and waterways, and the fisheries and wildlife  
12 habitat they provide, are valuable and finite resources that benefit the people of the  
13 state and are threatened with deterioration or degeneration that may endanger the  
14 natural beauty and productivity of these valuable resources.

15 (b) The public interest requires the coordinated protection of rivers and riparian  
16 resources in order to maintain an equilibrium between the natural endowment of,  
17 and manmade alterations to, California's river environment, and in order to  
18 preserve the scenic beauty of these natural resources and the recreational and  
19 economic benefits they provide.

20 (c) By virtue of the special conditions and circumstances of the natural ecology,  
21 the increasing human populations and needs in the state, and the numerous  
22 governmental agencies with an interest in coordinating activities that affect rivers  
23 and riparian habitat resources, there is a need for a coordinated state rivers and  
24 riparian habitat protection program.

25 **Comment.** Section 57705 continues former Fish and Game Code Section 1386 without  
26 substantive change.

27 § 57710. Primary concern

28 57710. The preservation and enhancement of riparian habitat shall be a primary  
29 concern of the board and the department, and of all state agencies whose activities  
30 impact riparian habitat, including the Department of Conservation, the Department  
31 of Parks and Recreation, the Department of Water Resources, the Department of  
32 Forestry and Fire Protection, the State Coastal Conservancy, the California  
33 Conservation Corps, the California Tahoe Conservancy, the Santa Monica  
34 Mountains Conservancy, the California Coastal Commission, the San Francisco  
35 Bay Conservation and Development Commission, and the State Lands  
36 Commission.

37 **Comment.** Section 57710 continues former Fish and Game Code Section 1389 without  
38 substantive change.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

CHAPTER 2. ADMINISTRATION

**§ 57725. California Riparian Habitat Conservation Program**

57725. (a) The board shall establish and administer, through the department, the California Riparian Habitat Conservation Program pursuant to this title and Title 1 (commencing with Section 54700).

(b) The purpose and goal of the program is to protect, preserve, and restore riparian habitats throughout the state by the acquisition of interests and rights in real property and waters to the extent deemed necessary to carry out the purposes of the program.

**Comment.** Section 57725 continues former Fish and Game Code Section 1387 without substantive change.

**§ 57730. Activities**

57730. The board, pursuant to this title, shall approve projects to acquire, preserve, restore, and enhance riparian habitat throughout the state, and coordinate its activities undertaken pursuant to this program with other resources protection activities of the board and other state agencies.

**Comment.** Section 57730 continues former Fish and Game Code Section 1388 without substantive change.

**§ 57735. Department authority**

57735. In order to accomplish the objectives of this title, the board may authorize the department to do all of the following:

(a) Acquire interests in real property and water rights through gift, purchase, lease, easement, and transfer or exchange of easements, development rights or credits, and other interests in real property.

(b) Coordinate its activities under the program with any governmental program for surplus real property sales in the state.

(c) Award grants and loans to local public agencies, state agencies, federal agencies, and nonprofit organizations for the purposes of this program.

(d) For the purposes of this title, “nonprofit organization” means any private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of the United States Internal Revenue Code of 1986, and has among its principal charitable purposes the preservation of real property for scientific, historic, educational, recreational, scenic or open-space values, the protection of the natural environment, or the preservation and enhancement of fisheries and wildlife or their habitat.

(e) Exercise any authority and comply with requirements contained in Sections 54815 and 54845 through 54855, inclusive, as appropriate, to preserve and enhance riparian habitat for purposes of this title.

**Comment.** Section 57735 continues former Fish and Game Code Section 1390 without substantive change.





1    **§ 58010. Description of funded projects and programs**

2       58010. The department shall post a brief description of projects or programs  
3 funded by moneys received pursuant to the Federal Aid in Wildlife Restoration  
4 Act on its Internet Web site. The description shall include information about the  
5 budget of each project or program.

6       **Comment.** Section 58010 continues former Fish and Game Code Section 711.1(c) without  
7 substantive change.

8    **§ 58015. Consultation with advisory committees**

9       58015. The department shall consult with any of the advisory committees  
10 established pursuant to Sections 29540, 30565, and 31915 regarding all projects  
11 funded by the Federal Aid in Wildlife Restoration Act that are relevant to the  
12 committee or committees.

13       **Comment.** Section 58015 continues former Fish and Game Code Section 711.1(d) without  
14 substantive change.

15    **Note.** Existing Section 711.1(d) refers to “advisory committees established pursuant to  
16 Sections 3684, 3702.1, and 3953.” Proposed Section 58015 would narrow that reference to refer  
17 only to the parts of those sections that authorize the establishment of advisory committees. **The**  
18 **Commission invites Comment on whether that revision would cause any problems.**

19                   **TITLE 2. FISH AND GAME MITIGATION AND**  
20                   **PROTECTION ACCOUNTS**

21    **§ 58050. Establishment of Accounts**

22       58050. There are hereby established, initially in the Special Deposit Fund,  
23 continued in existence by Section 16370 of the Government Code, both of the  
24 following accounts:

25       (a) The Fish and Game Mitigation and Protection Endowment Principal  
26 Account. The department shall deposit in this account the endowment funds  
27 received by the department pursuant to an agreement described in Section 58055  
28 and all earnings generated thereon. The earnings shall be available to the  
29 department, upon appropriation by the Legislature, to fund long-term  
30 management, enhancement, monitoring, and enforcement activities on habitat  
31 lands in a manner consistent with the terms of the underlying agreement.

32       (b) The Fish and Game Mitigation and Protection Expendable Funds Account.  
33 The department shall deposit in this account moneys received pursuant to an  
34 agreement described in Section 58055 that are not endowment funds and that are  
35 designated for expenditure for the purposes described in subdivision (b) of that  
36 section. Notwithstanding Section 13340 of the Government Code, the moneys in  
37 the account established by this subdivision are hereby continuously appropriated  
38 to the department for expenditure without regard to fiscal year, for the purposes  
39 described in this title.

1       **Comment.** Section 58050 continues former Fish and Game Code Section 13014(a) without  
2 substantive change.

3       **§ 58055. Deposits**

4       58055. (a) The department may deposit moneys into the accounts established  
5 pursuant to Section 58050 that it receives pursuant to any of the following, if those  
6 moneys are received for the purposes described in subdivision (b):

7       (1) Agreements or permits pursuant to the Natural Communities Conservation  
8 Planning Act (Title 2 (commencing with Section 64500) of Part 2 of Division 17).

9       (2) Conservation bank agreements.

10       (3) Habitat conservation implementation agreements.

11       (4) Incidental take permits.

12       (5) Legal or other written settlements.

13       (6) Mitigation agreements.

14       (7) Streambed or lakebed alteration agreements.

15       (8) Trust agreements.

16       (b) The department may deposit the moneys received pursuant to an agreement  
17 described in subdivision (a) in an account established by this title only if it  
18 receives those moneys for at least one of the following purposes:

19       (1) Mitigating the adverse biological impacts of a specific project, activity, spill,  
20 or release.

21       (2) Protecting, conserving, restoring, enhancing, managing, and maintaining  
22 fish, wildlife, native plants, or their habitats.

23       **Comment.** Section 58055 continues former Fish and Game Code Section 13014(b) without  
24 substantive change.

25       **§ 58060. Transfer to another account**

26       58060. (a) While the Fish and Game Mitigation and Protection Endowment  
27 Principal Account and the Fish and Game Mitigation and Protection Expendable  
28 Funds Account are initially established in the Special Deposit Fund within the  
29 Pooled Money Investment Account, the Treasurer's office shall, at the  
30 department's request, transfer these funds from the Pooled Money Investment  
31 Account to another account within the State Treasury system to increase earnings  
32 over time while providing adequate liquidity. If either or both of these accounts  
33 are transferred from the Pooled Money Investment Account, assets in the  
34 transferred account or accounts may be held and invested in any of the  
35 investments identified in Section 16430 of the Government Code, except that the  
36 maturity date of commercial paper may exceed the limits set forth in Section  
37 16430 of the Government Code. These investments shall be made as determined  
38 and directed by the department.

39       (b) To develop and maintain the investment strategy for these accounts, the  
40 department may retain investment advisers deemed acceptable to the Treasurer.

41       **Comment.** Section 58060 continues former Fish and Game Code Section 13014(c)-(d) without  
42 substantive change.

1 TITLE 3. HABITAT MAINTENANCE  
2 ASSESSMENT DISTRICTS

3 § 58075. Short title

4 58075. This title shall be known and may be cited as the Habitat Maintenance  
5 Funding Act.

6 **Comment.** Section 58075 continues former Fish and Game Code Section 2900 without  
7 substantive change.

8 § 58080. Assessment districts

9 58080. (a) A local agency may establish an assessment district pursuant to  
10 Article 3.1 (commencing with Section 50060) of Chapter 1 of Part 1 of Division 1  
11 of Title 5 of the Government Code for the improvement or maintenance of natural  
12 habitat, in a manner consistent with the policies and procedures of this code.  
13 Funds generated pursuant to this title may not be allocated to implement a plan  
14 without the approval of the owner of the land to be improved.

15 (b) A local agency may provide for the long-term maintenance of natural habitat  
16 pursuant to Section 50060.5 of the Government Code only pursuant to a plan for  
17 the conservation of natural habitat approved by the department.

18 **Comment.** Section 58080 continues former Fish and Game Code Section 2901 without  
19 substantive change.

20 DIVISION 16. PROTECTED AND MANAGED AREAS

21 PART 1. REFUGES

22 TITLE 1. REFUGES GENERALLY

23 § 58500. Commission regulation of refuges

24 58500. The commission may:

25 (a) Authorize the department to issue, under any restrictions it deems best,  
26 permits that authorize the person named therein to carry, use, and possess, within a  
27 refuge, firearms, traps, or other contrivances for taking birds, mammals, fish,  
28 amphibians, or reptiles.

29 (b) Except as provided in subdivision (c) of Section 59865, Sections 59705 and  
30 59715, and subdivisions (a) and (b) of Section 59865, authorize the department to  
31 issue permits that authorize the person named therein to take birds, mammals, fish,  
32 amphibians, or reptiles within a refuge.

33 (c) Adopt regulations not in conflict with any law for the protection of birds,  
34 mammals, fish, amphibians, reptiles, or marine life within a refuge.

35 **Comment.** Section 58500 continues former Fish and Game Code Section 10502(b)-(d) without  
36 substantive change.

1    **§ 58505. Commission powers**

2       58505. For the purposes of propagating, feeding, and protecting birds,  
3 mammals, fish, amphibians, and reptiles, the commission may do all of the  
4 following:

5       (a) Accept, on behalf of the state, donations of an interest in land within a  
6 refuge.

7       (b) Accept, on behalf of the state, from a person owning and in possession of  
8 patented land, other than land covered and uncovered by the ordinary daily tide of  
9 the Pacific Ocean, the right to preserve and protect all birds, mammals, fish,  
10 amphibians, and reptiles on the patented land.

11       (c) Accept, on behalf of the state, donations of birds, mammals, fish,  
12 amphibians, and reptiles, and of money given or appropriated. Those donations  
13 shall be used for the purposes for which they are accepted, and, as nearly as may  
14 be, for any purpose indicated by the donor.

15       **Comment.** Section 58505 continues former Fish and Game Code Section 10503(a)-(c) without  
16 substantive change.

17    ☞ **Note.** Existing Section 10503(b) and (c) are not expressly limited to refuge-related activities.  
18    **Should they be? Or are those provisions best understood as expressing general powers of**  
19    **the commission?**

20    **§ 58515. Enforcement**

21       58515. The department and the district attorney, sheriff, and all peace officers of  
22 the county in which any refuge or part thereof is situated, shall enforce all of the  
23 provisions of this code relating to the refuge, and institute and assist in  
24 prosecutions for violations thereof.

25       **Comment.** Section 58515 continues former Fish and Game Code Section 10508 without  
26 substantive change.

27    **§ 58520. Take in refuge**

28       58520. No specification of an open season in any area authorizes the taking of a  
29 bird, mammal, fish, amphibian, or reptile from a refuge within that area from  
30 which the taking is prohibited by this code.

31       **Comment.** Section 58520 continues former Fish and Game Code Section 10510 without  
32 substantive change.

33    **§ 58525. Application of provisions governing Fish and Wildlife District**

34       58525. Except as they may conflict with refuge provisions, the provisions of this  
35 code relating to a particular fish and wildlife district shall apply to each refuge  
36 lying wholly, or in major part, within the boundaries of the district.

37       **Comment.** Section 58525 continues former Fish and Game Code Section 10511 without  
38 substantive change.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

CHAPTER 2. SPECIFIC FISH REFUGES

Article 1. General Provisions

**§ 58600. Described areas**

58600. The areas described in this chapter are fish and game refuges.

**Comment.** Section 58600 is new. It is comparable to former Fish and Game Code Section 10770.

Article 2. Pacific Grove Marine Gardens Fish Refuge

**§ 58625. Description**

58625. The following constitutes the Pacific Grove Marine Gardens Fish Refuge:

All that area within the following boundaries as they existed April 1, 1963, not within the Hopkins Marine Life Refuge: Beginning at the point of intersection of the southeasterly corporate limit line of the City of Pacific Grove prolonged, and the line of mean high tide of the Bay of Monterey; thence northwesterly along said line of mean high tide to Point Pinos and continuing around said point in a westerly direction and continuing southwesterly along said line of mean high tide to the intersection with the southwesterly corporate limit line prolonged of said city; thence N. 70° 45' 00" W. along said southwesterly corporate limit line prolonged to a point in the Pacific Ocean where the depth of water in said ocean is sixty (60) feet measured from the level of mean low tide; thence northwesterly along the line in said ocean which line is at a constant depth of sixty (60) feet measured from the level of mean low tide to Point Pinos and continuing around said point in an easterly direction and continuing southeasterly along the line in said bay which line is at a constant depth of sixty (60) feet measured from the level of mean low tide, to the intersection with the southeasterly corporate limit line of said city prolonged; thence S. 58° 57' 45" W. along said southeasterly corporate limit line prolonged, to the point of beginning.

**Comment.** Section 58625 continues former Fish and Game Code Section 10801 without substantive change.

**§ 58630. Take of fish within refuge**

58630. (a) In the Pacific Grove Marine Gardens Fish Refuge, fish, other than mollusks and crustaceans, may be taken under the authority of a sport fishing license as authorized by this code.

(b) Notwithstanding any other provision of this section, holders of scientific collectors' permits issued by the commission, or students working under their direction, may take marine life for scientific purposes in this refuge.

1 (c) In this refuge, sardines, mackerel, anchovies, squid and herring may be taken  
2 by ring net, lampara net or bait net as authorized by this code.

3 **Comment.** Section 58630 continues former Fish and Game Code Section 10660 without  
4 substantive change.

## 5 TITLE 3. GAME REFUGES

### 6 CHAPTER 1. GAME REFUGES GENERALLY

#### 7 § 58700. Prohibitions

8 58700. (a) Except under a permit or specific authorization, it is unlawful to do  
9 any of the following:

10 (1) To take or possess a bird or mammal in a game refuge.

11 (2) To use or have in possession in a game refuge, a firearm, BB device as  
12 defined in Section 16250 of the Penal Code, crossbow, bow and arrow, or a trap or  
13 other contrivance designed to be, or capable of being, used to take birds or  
14 mammals, or to discharge a firearm or BB device or to release an arrow or  
15 crossbow bolt into a game refuge.

16 (b) The punishment for a violation of this section is a fine of not more than two  
17 thousand dollars (\$2,000), imprisonment in a county jail for not more than one  
18 year, or both the fine and imprisonment.

19 **Comment.** Subdivision (a) of Section 58700 continues former Fish and Game Code Section  
20 10500(a)-(b) without substantive change.

21 Subdivision (b) continues former Fish and Game Code Section 12002(b)(6) without  
22 substantive change.

#### 23 § 58705. Take from navigable waters

24 58705. Nothing in this title shall be construed as prohibiting or preventing a  
25 person from taking a bird, mammal, fish, amphibian, or reptile from or on  
26 navigable water in a game refuge.

27 **Comment.** Section 58705 continues former Fish and Game Code Section 10513 without  
28 substantive change.

#### 29 § 58710. Commission control of mammals and birds

30 58710. The commission may exercise control over all mammals and birds in a  
31 game refuge.

32 **Comment.** Section 58710 continues the part of former Fish and Game Code Section 10502(a)  
33 that applies to a game refuge without substantive change.

#### 34 § 58715. Acquisition of land for game refuge

35 58715. (a) For the purposes of propagating, feeding, and protecting birds,  
36 mammals, fish, amphibians, and reptiles, the commission may acquire, by  
37 purchase, lease, rental, or otherwise, and occupy, develop, maintain, use, and

1 administer land, or land and nonmarine water, or land and nonmarine water rights,  
2 suitable for state game farms or game refuges.

3 (b) Any property acquired for game refuges shall be acquired in the name of the  
4 state, and shall, at all times, be subject to any regulations that may be prescribed  
5 from time to time by the commission for the occupation, use, operation,  
6 protection, and administration of game refuges.

7 (c) The department shall do all things necessary to secure a valid title in the state  
8 to property acquired for a game refuge, but no payment shall be made for the  
9 property until the title is satisfactory to the Attorney General and is vested in the  
10 state. The acquisition of the property by the state is not prohibited by reason of  
11 rights of way, easements, or reservations, which, from their nature, in the opinion  
12 of the department, will in no manner interfere with the use of the property for the  
13 purpose for which it is acquired.

14 **Comment.** Subdivision (a) of Section 58715 continues former Fish and Game Code Section  
15 10503(d) without substantive change.

16 Subdivision (b) continues former Fish and Game Code Section 10504 without substantive  
17 change.

18 Subdivision (c) continues former Fish and Game Code Section 10505 without substantive  
19 change.

20 **§ 58720. Possession of weapon in game refuge**

21 58720. (a) Nothing in this code prohibits the possession of firearms, BB devices  
22 as defined in Section 16250 of the Penal Code, crossbows and bolts, or bows and  
23 arrows by persons when traveling through a game refuge when the firearms are  
24 taken apart or encased and unloaded and the bows are unstrung or stored  
25 separately from any arrow or bolt.

26 (b) When the traveling is done on a route other than a public highway or other  
27 public thoroughfare or right of way, notice shall be given to the department at least  
28 24 hours before that traveling. The notice shall give the name and address of the  
29 person intending to travel through the refuge, the name of the refuge, the  
30 approximate route, and the approximate time when that person intends to travel  
31 through the refuge.

32 **Comment.** Section 58720 continues former Fish and Game Code Section 10506 without  
33 substantive change.

34 **§ 58725. Possession of bird or mammal in game refuge**

35 58725. It is lawful for a person who has given the notice provided for in Section  
36 58720 to transport a bird or mammal through a game refuge, if lawfully taken  
37 outside the refuge, and if the bird or mammal is carried openly and during the time  
38 between one hour before sunrise and one hour after sunset.

39 **Comment.** Section 58725 continues former Fish and Game Code Section 10507 without  
40 substantive change.

1    **§ 58730. Posted notices**

2       58730. The department shall cause to be prepared suitable notices to be posted  
3       under its direction on each game refuge, containing a warning to all persons to  
4       refrain for the period named therein from violations of the provisions of this title  
5       relating to game refuges.

6       **Comment.** Section 58730 continues former Fish and Game Code Section 10512 without  
7       substantive change.

8    **§ 58735. Management and control**

9       58735. All game refuges shall, for all purposes of protecting birds, mammals,  
10       fish, amphibians, or reptiles thereon, be under the control and management of the  
11       department, and the officers and employees of the department, all game wardens,  
12       and law enforcement officers may at all times enter in and upon game refuges in  
13       the performance of their duties.

14       **Comment.** Section 58735 continues former Fish and Game Code Section 10514 without  
15       substantive change.

16    **§ 58740. Education and outreach**

17       58740. (a) The department shall undertake appropriate education and outreach  
18       regarding the current location of existing game refuges, agency contacts for  
19       statutory notices in Sections 58720 and 58725, and the potential closure of all state  
20       game refuges, except the California Sea Otter Game Refuge and the Farallon  
21       Islands Game Refuge. The department shall provide an opportunity for public  
22       comment concerning the potential elimination of game refuges. The department  
23       shall provide information about game refuge boundaries, including, but not limited  
24       to, maps available both on the department’s Internet Web site and in hardcopy  
25       format. The department shall also provide Internet Web site contact information  
26       for the public to contact the department in accordance with state law. The  
27       department may conduct regional workshops as it determines to be necessary to  
28       provide public information about the proposed elimination of game refuges.

29       (b) The department, on or before January 1, 2011, shall prepare and submit to  
30       the Legislature a description of the public education and outreach effort  
31       undertaken pursuant to subdivision (a), and a summary of any information  
32       provided by the public that is relevant to the potential closure of all state game  
33       refuges except the California Sea Otter Game Refuge and the Farallon Islands  
34       Game Refuge.

35       **Comment.** Section 58740 continues former Fish and Game Code Section 10844 without  
36       substantive change.

37    

**Note.** Existing Section 10844 requires the submission of a report by January 1, 2011. **Can**  
38    **that provision be discontinued as obsolete?**

1 CHAPTER 2. SPECIFIC GAME REFUGES

2 Article 1. General Provisions

3 § 58800. Described areas

4 58800. (a) The areas described in this chapter are game refuges.

5 (b) An existing reference to a “Fish and Game District” that is a game refuge  
6 shall be construed to refer to the “Game Refuge” that continues the former district.

7 **Comment.** Subdivision (a) of Section 58800 continues former Fish and Game Code Section  
8 10820 without substantive change.

9 Subdivision (b) is new.

10 **Notes. (1)** In existing law, most of the described game refuges are referred to as “Fish and  
11 Game Districts.” That is the same term that is used to name the districts that subdivide the state  
12 for the purposes of administration and special regulation. See existing Sections 11000-11039.  
13 This dual use of the term “Fish and Game Districts” is potentially confusing.

14 To complicate matters further, the term “fish and game refuge” is specially defined as being  
15 both a fish refuge and a game refuge. Use of the term “*Fish and Game District*” to refer only to  
16 *game* refuges is another potential source of confusion.

17 To avoid this confusion, this draft does not use the term “Fish and Game District” to refer to  
18 the game refuges described below. Instead, they are referred to as “Game Refuges.”

19 That change should be unproblematic. The Commission found only one statute and no  
20 regulations that use the term “Fish and Game District” to refer to game refuges. See existing  
21 Section 10662. That section can easily be revised to use the naming convention established in this  
22 draft.

23 As a final check against confusion, proposed Section 58800(b) expressly provides that an  
24 existing reference to a “Fish and Game District” that constitutes a game refuge should be  
25 construed as a reference to the “Game Refuge” that continues the referenced **district**.

26 **The Commission invites comment on whether any of the changes noted above would be  
27 problematic.**

28 **(2)** If it would be beneficial to give the game refuges descriptive names, rather than the bare  
29 alphanumeric designators that they currently have, now would be a convenient time to do so. **The  
30 Commission invites comment on that point.**

31 Article 2. Game Refuge 1C

32 § 58825. Description

33 58825. The following constitutes Game Refuge 1C: All that area within the  
34 County of Modoc within the following boundaries:

35 Beginning at the boundary of the Modoc National Forest on the east side of Sec.  
36 28, T. 42 N., R. 14 E., where Parker Creek crosses the national forest boundary  
37 and following thence Parker Creek and the South Fork of Parker Creek to the  
38 summit of the Warner Mountains; thence southerly along the summit of the  
39 Warner Mountains to the headwaters of Mill Creek; thence following course of  
40 Mill Creek to Mill Creek Ranger Station and Mill Creek stock corrals in  
41 approximately Sec. 15, T. 40 N., R. 15 E. (unsurveyed); thence along road from  
42 Mill Creek Ranger Station and stock corrals running north of Cantrell’s sawmill to

1 Bowman Ranch, thence along same road to the Modoc National Forest boundary  
2 on the center line of Sec. 33, T. 41 N., R. 14 E.; thence north along said national  
3 forest boundary to Parker Creek, the point of beginning.

4 **Comment.** Section 58825 continues former Fish and Game Code Section 10821 without  
5 substantive change. The refuge described in this section was formerly known as “Fish and Game  
6 District 1C.”

7 Article 3. Game Refuge 1F

8 **§ 58850. Description**

9 58850. The following constitutes Game Refuge 1F: All that area within the  
10 County of Lassen within the following boundaries:

11 Beginning at the fork of the Puls Camp Road and the Poison Lake-Harvey  
12 Valley Road near the quarter section corner between Secs. 33 and 34, T. 33 N., R.  
13 8 E.; thence northerly following the westerly side of said road by Dixie Springs  
14 and Puls Camp in Sec. 33, T. 34 N., R. 8 E., to Shroder Lake in Sec. 19, T. 34 N.,  
15 R. 8 E.; thence southwesterly about one mile to the junction of said Puls Camp  
16 Road and the Little Valley Road in Sec. 24, T. 34 N., R. 7 E.; thence northwesterly  
17 following the southerly side of said Little Valley Road to its junction with the  
18 Blacks Lake Road; thence westerly following the southerly side of said Blacks  
19 Lake Road to the Eldridge place in Sec. 13, T. 34 N., R. 6 E.; thence southerly  
20 following the easterly side of said road to Jelly Camp in Sec. 25, T. 34 N., R. 6 E.;  
21 thence southeasterly following the easterly side of the Susanville-Pittville Road to  
22 junction of the Poison Lake-Harvey Valley Road; thence easterly following the  
23 northerly side of said Poison Lake-Harvey Valley Road to the point of beginning.

24 **Comment.** Section 58850 continues former Fish and Game Code Section 10822 without  
25 substantive change. The refuge described in this section was formerly known as “Fish and Game  
26 District 1F.”

27 Article 4. Game Refuge 1G

28 **§ 58875. Description**

29 58875. The following constitutes Game Refuge 1G: All that area within the  
30 County of Tehama within the following boundaries:

31 Beginning at a point where Deer Creek crosses the west township line of T. 25  
32 N., R. 2 E.; thence north along said township line and along the west township line  
33 of T. 26 N., R. 2 E. to its intersection with Boatgunwale Creek; thence down  
34 Boatgunwale Creek to Mill Creek; thence up Mill Creek to the Ponderosa Truck  
35 Trail; thence following the Ponderosa Truck Trail to its intersection with South  
36 Antelope Creek; thence up South Antelope Creek to mouth of the North Fork of  
37 South Antelope Creek; thence up the North Fork to its source; thence following  
38 Manzanita Cut Trail to the South Fork of Rock Gulch Creek; thence down Rock  
39 Gulch Creek to its intersection with the Old Butte Meadows-Round Valley Trail;

1 thence following the Old Butte Meadows-Round Valley Trail to its intersection  
2 with the Deer Creek Highway, thence down the Deer Creek Highway to its  
3 westerly crossing of Deer Creek, thence down Deer Creek to point of beginning.

4 **Comment.** Section 58875 continues former Fish and Game Code Section 10823 without  
5 substantive change. The refuge described in this section was formerly known as “Fish and Game  
6 District 1G.”

7 **Article 5. Game Refuge 1H**

8 **§ 58900. Description**

9 58900. The following constitutes Game Refuge 1H: All that area within the  
10 County of Plumas within the following boundaries:

11 Beginning at a point on the Western Pacific Railway known as Quincy Junction;  
12 thence following northerly the westerly side of the Old Road to Taylorsville;  
13 thence westerly along the southerly side of the County Road 207 to its intersection  
14 with the Western Pacific Railway from Crescent Mills to Keddie; thence  
15 southwesterly and southerly along these tracks to Keddie; thence southerly and  
16 southeasterly along main Western Pacific tracks from Keddie to Quincy Junction  
17 to the point of beginning.

18 **Comment.** Section 58900 continues former Fish and Game Code Section 10824 without  
19 substantive change. The refuge described in this section was formerly known as “Fish and Game  
20 District 1H.”

21 **Article 6. Game Refuge 1I**

22 **§ 58925. Description**

23 58925. The following constitutes Game Refuge 1I: All that area within the  
24 County of Placer within the following boundaries:

25 Beginning at a point in Sec. 17, T. 14 N., R. 14 E., M.D.M., where the French  
26 House-Big Meadows Road intersects the South Fork of Long Canyon Creek;  
27 thence following southwesterly along said road to its intersection with the French  
28 Meadows-Georgetown Road near the section line between Secs. 22 and 23, T. 14  
29 N., R. 13 E., thence southwesterly along the French Meadows-Georgetown Road  
30 where it intersects an unnamed tributary to the North Fork of Long Canyon Creek  
31 near the section line between Secs. 22 and 27, T. 14 N., R. 13 E.; thence  
32 northwesterly along said tributary to French House Site (near the center of Sec. 22,  
33 T. 14 N., R. 13 E.); thence northwesterly along the French House-Red Star Mine  
34 Jeep Road in Secs. 22 and 15, T. 14 N., R. 13 E., to its intersection with the  
35 Middle Fork of the American River, in Sec. 15, T. 14 N., R. 13 E.; thence  
36 northeasterly along the Middle Fork of the American River, to its intersection with  
37 the southern boundary of Sec. 35, T. 15 N., R. 13 E., thence due north on a line  
38 through the center of Sec. 35 to an intersection with the summit of Red Star Ridge  
39 in Sec. 26, T. 15 N., R. 13 E. (this being the divide between Duncan Creek and the

1 Middle Fork of the American River); thence northeasterly following the summit of  
2 Red Star Ridge to a point in Sec. 4, T. 15 N., R. 14 E. where said ridge intersects  
3 the main Foresthill Divide between the North Fork of the American River and the  
4 Middle Fork of the American River; thence easterly along the summit of said  
5 divide to Needle Peak; thence southerly following the summit of the divide to Mt.  
6 Mildred; thence southwesterly following the summit of the divide between Gray  
7 Horse Creek and the Middle Fork of the American River to its intersection with  
8 the Big Meadows-Gray Horse Valley Trail (near the middle of Sec. 5, T. 14 N., R.  
9 14 E.); thence following said trail to the South Fork of Long Canyon Creek (near  
10 the middle of Sec. 9, T. 14 N., R. 14 E.); thence southwesterly down the South  
11 Fork Long Canyon Creek to the point of beginning.

12 **Comment.** Section 58925 continues former Fish and Game Code Section 10825 without  
13 substantive change. The refuge described in this section was formerly known as “Fish and Game  
14 District 11.”

15 Article 7. Game Refuge 1J

16 **§ 58950. Description**

17 58950. The following constitutes Game Refuge 1J: All that area within the  
18 County of Amador within the following boundaries:

19 Beginning at a point between Secs. 13 and 18, T. 8 N., R. 14 and 15 E., where  
20 the Carson Pass Highway (State Sign Route 88) enters Sec. 18, T. 8 N., R. 15 E.;  
21 thence northeasterly along the south side of State Highway 88 right of way to the  
22 Bear River Road in Section 12, T. 8 N., R. 15 E.; thence southeasterly along the  
23 westerly side of said road to the junction of the Ham’s Spring and Cole Creek  
24 Roads in Section 20, T. 8 N., R. 16 E.; thence southeasterly along the westerly  
25 side of the Cole Creek Road to its termination at the P. G. & E. penstock in  
26 Section 33, T. 8 N., R. 16 E.; thence southerly along the westerly side of said  
27 penstock to its intersection with the Mokelumne River; thence down the north  
28 bank of the Mokelumne River in a southwesterly direction to the intersection of  
29 range line between T. 7 N., R. 14 and 15 E.; thence north along range line between  
30 T. 8 N., R. 14 and 15 E., to the intersection of State Sign Route 88 to the place of  
31 beginning.

32 **Comment.** Section 58950 continues former Fish and Game Code Section 10826 without  
33 substantive change. The refuge described in this section was formerly known as “Fish and Game  
34 District 1J.”

35 Article 8. Game Refuge 1N

36 **§ 58975. Description**

37 58975. The following constitutes Game Refuge 1N: All that area within the  
38 Counties of Siskiyou and Modoc within the following boundaries:

1 Beginning at the junction of the Lava Ranger Station Road and the Egg Lake-  
2 Quaking Asp Road, thence following westerly and northerly the northerly and  
3 easterly side of said Lava Ranger Station Road to its junction with the Medicine  
4 Lake-Quaking Asp Road near the northwest corner of Sec. 18, T. 42 N., R. 5 E.,  
5 thence easterly and southerly following the southerly and westerly side of the  
6 Medicine Lake-Quaking Asp-Egg Lake Road to the point of beginning.

7 **Comment.** Section 58975 continues former Fish and Game Code Section 10827 without  
8 substantive change. The refuge described in this section was formerly known as “Fish and Game  
9 District 1N.”

10 Article 9. Game Refuge 1P

11 **§ 59000. Description**

12 59000. The following constitutes Game Refuge 1P: All that area within the  
13 County of Plumas, within the following boundaries:

14 Beginning at the junction of the Milford-Beckwourth Road and the Last Chance-  
15 Doyle Road, thence following the easterly side of said Milford-Beckwourth Road  
16 to its junction with the Dixie Valley-Frenchman’s Cove Road; thence following  
17 the easterly side of the Dixie Valley-Frenchman’s Cove Road to its junction with  
18 the Little Last Chance Road; thence following the westerly side of the Little Last  
19 Chance Road to its junction with the Last Chance-Doyle Road; thence following  
20 the westerly side of the Last Chance-Doyle Road to the place of beginning.

21 **Comment.** Section 59000 continues former Fish and Game Code Section 10828 without  
22 substantive change. The refuge described in this section was formerly known as “Fish and Game  
23 District 1P.”

24 Article 10. Game Refuge 1R

25 **§ 59025. Description**

26 59025. The following constitutes Game Refuge 1R: All that area within the  
27 County of Tuolumne within the following boundaries:

28 Beginning at the junction of the North Fork of the Stanislaus River and the  
29 Middle Fork of the Stanislaus River; thence easterly following the northerly bank  
30 of said Middle Fork of the Stanislaus River to the mouth of the Shu-fly Creek,  
31 approximately in Sec. 9, T. 5 N., R. 18 E.; thence northerly following the westerly  
32 bank of said creek to its junction with Whit’s Basin Creek; thence westerly  
33 following the southerly and westerly bank of said Whit’s Basin Creek to its  
34 junction with the Sands Meadow Trail in Sec. 36, T. 6 N., R. 17 E.; thence  
35 northwesterly following said Sands Meadow Trail to its junction with the  
36 Government Truck Trail in Sec. 23, T. 6 N., R. 17 E.; thence westerly following  
37 said Truck Trail to Liberty Hill; thence following said Government Truck Trail  
38 westerly and southerly to its junction with the Boards Crossing-Beaver Creek  
39 Camp Road; thence northerly following said Boards Crossing-Beaver Creek Camp

1 Road to Boards Crossing on the North Fork of the Stanislaus River; thence  
2 downstream following the easterly bank of said North Fork of the Stanislaus River  
3 to the point of beginning.

4 **Comment.** Section 59025 continues former Fish and Game Code Section 10829 without  
5 substantive change. The refuge described in this section was formerly known as “Fish and Game  
6 District 1R.”

7 Article 11. Game Refuge 1S

8 **§ 59050. Description**

9 59050. The following constitutes Game Refuge 1S: All that area lying within the  
10 County of Lassen within the following boundaries:

11 Beginning at the old Haydenhill Post Office in the approximate center of Sec.  
12 36, T. 37 N., R. 9 E.; thence following westerly along the old Juniper Road  
13 through Windmill Flat to the junction of the Summit Spring Road near Meyers  
14 Spring; thence south through Lost Valley along the Lost Valley-Dixie Valley  
15 Road to the junction of the Dixie Valley-Grasshopper Road; thence east to the  
16 junction of the old Haydenhill-Slate Creek Road located approximately in Sec. 24,  
17 T. 35 N., R. 9 E.; thence north along the Haydenhill-Slate Creek Road to the place  
18 of beginning.

19 **Comment.** Section 59050 continues former Fish and Game Code Section 10830 without  
20 substantive change. The refuge described in this section was formerly known as “Fish and Game  
21 District 1S.”

22 Article 12. Game Refuge 1V

23 **§ 59075. Description**

24 59075. The following constitutes Game Refuge 1V: all that area within the  
25 County of Plumas within the following boundaries:

26 Beginning at the intersection of U. S. Alternate 40 Highway and U. S. Forest  
27 Service Road 24N12; thence following northerly the easterly side of U. S. Forest  
28 Service Road 24N12 to its intersection with U. S. Forest Service Road 24N10;  
29 thence easterly following the southerly side of U. S. Forest Service Road 24N10 to  
30 its intersection with U. S. Forest Service Road 24N07 (Relocated); thence easterly  
31 following the southerly side of U. S. Forest Service Road 24N07 (Relocated) to its  
32 intersection with U. S. Forest Service Road 25N08; thence southerly on the  
33 westerly side of U. S. Forest Service Road 25N08 to its intersection with U. S.  
34 Alternate 40 Highway; thence westerly along the northerly side of U. S. Alternate  
35 40 Highway to the point of beginning.

36 **Comment.** Section 59075 continues former Fish and Game Code Section 10831 without  
37 substantive change. The refuge described in this section was formerly known as “Fish and Game  
38 District 1V.”

1

## Article 13. Game Refuge 2A

### 2 § 59100. Description

3 59100. The following constitutes Game Refuge 2A: All that area within the  
4 Counties of Mendocino, Lake, and Glenn within the following boundaries:

5 Beginning at the summit of Hull Mountain in Mendocino County, in the  
6 southwest corner of Sec. 2, T. 19 N., R. 10 W.; thence in a northeasterly direction  
7 down Hull Creek (sometimes known as Red Rock Creek) to its junction with Sand  
8 Creek; thence southeasterly down Sand Creek to its junction with Corbin Creek,  
9 thence in an easterly direction up Corbin Creek to Sec. 36, T. 20 N., R. 8 W.;  
10 thence in a southerly direction up a ravine to the Pacific Crest Road (24N02) on  
11 the summit of the Coast Range Mountains in Sec. 12, T. 19 N., R. 8 W.; thence  
12 southwesterly along the Pacific Crest Road (24N02) to Low Gap, where the  
13 Bloody Rock trail crosses the summit in Sec. 27, T. 19 N., R. 8 W.; thence in a  
14 westerly direction down the Bloody Rock trail and Cold Creek to South Eel River  
15 in Sec. 26, T. 19 N., R. 9 W.; thence down the river to the mouth of a ravine in the  
16 SE  $\frac{1}{4}$  of Sec. 27, T. 19 N., R. 9 W.; thence in a northwesterly direction up the  
17 ravine through Secs. 27 and 28 to the summit of Boardman Ridge; thence in a  
18 northwesterly direction up Boardman Ridge to the summit of Hull Mountain to the  
19 point of beginning.

20 **Comment.** Section 59100 continues former Fish and Game Code Section 10832 without  
21 substantive change. The refuge described in this section was formerly known as “Fish and Game  
22 District 2A.”

23

## Article 14. Game Refuge 3F

### 24 § 59125. Description

25 59125. The following constitutes Game Refuge 3F: All that area within the  
26 County of Contra Costa described as follows:

27 All of Secs. 29, 30, 31 and 32, T. 1 N., R. 1 E.; all of Secs. 5, 6, 7 and 8, T. 1 S.,  
28 R. 1 E.; all of Secs. 25, 26, 35 and 36 of T. 1 N., R. 1 W.; all of Secs. 1, 2, 11 and  
29 12 of T. 1 S., R. 1 W.

30 **Comment.** Section 59125 continues former Fish and Game Code Section 10835 without  
31 substantive change. The refuge described in this section was formerly known as “Fish and Game  
32 District 3F.”

33

## Article 15. Game Refuge 3G

### 34 § 59150. Description

35 59150. The following constitutes Game Refuge 3G:

36 All those lands of the Leland Stanford Junior University within the Counties of  
37 San Mateo and Santa Clara, and consisting of lots numbers 1 to 33, inclusive; that  
38 portion of lots 35 and 42 lying outside of the town limits of the town of Mayfield;

1 lots 36, 43, 46 to 75, inclusive; 80 to 86, inclusive; 89 to 98, inclusive, as shown  
2 on the map entitled “map of the lands of the Leland Stanford Junior University at  
3 or near the site of the university in the Counties of Santa Clara and San Mateo, by  
4 A. T. and F. A. Herrmann of Herrmann Bros.,” dated November, 1908, recorded  
5 in the Office of the County Recorder of the County of Santa Clara.

6 **Comment.** Section 59150 continues former Fish and Game Code Section 10836 without  
7 substantive change. The refuge described in this section was formerly known as “Fish and Game  
8 District 3G.”

9 Article 16. Game Refuge 4D

10 **§ 59175. Description**

11 59175. The following constitutes Game Refuge 4D: All that area within the  
12 County of Riverside described as follows:

13 Beginning at the intersection of State Highway 74 and Highway 111 in Section  
14 20, T. 5 S., R. 6 E., S.B.B. & M.;

15 Thence northwesterly on State Highway 111 to its intersection with the south  
16 bank of the Palm Canyon wash and the east boundary of Section 25, T. 4 S., R. 4  
17 E., S.B.B. & M.;

18 Thence southwesterly and southerly along east bank of Palm Canyon wash  
19 through said Section 25, Sections 36 and 35, T. 4 S., R. 4 E., S.B.B. & M. and  
20 Sections 2, 11, 14, 23, 25 and 36, T. 5 S., R. 4 E., S.B.B. & M.;

21 Thence continuing along the east bank of said Palm Canyon wash through  
22 Sections 1, 12, 13, T. 6 S., R. 4 E., and continuing through Sections 18, 19, 30 and  
23 31, T. 6 S., R. 5 E., to a point of intersection with Omstott Creek;

24 Thence along the north bank Omstott Creek through Section 31, T. 6 S., R. 5 E.,  
25 and continuing through Sections 5, 4, 9, 10, T. 7 S., R. 5 E., to the north line of  
26 said State Highway 74;

27 Thence easterly along north line of said Highway 74 to a point of intersection  
28 with the north line Section 12, T. 7 S., R. 5 E.;

29 Thence east along north line of said Section 12 to the northeast corner of said  
30 Section 12;

31 Thence south along the easterly boundary of Sections 12, 13, 24, 25 and 36, T. 7  
32 S., R. 5 E.; and the easterly boundary of Section 1, T. 8 S., R. 5 E., to the point of  
33 intersection with the southwesterly corner of Section 31, T. 7 S., R. 6 E.;

34 Thence east and along the southerly boundary of said Section 31 and Sections  
35 32, 33, 34 and 35, to the southeast corner of Section 36, T. 7 S., R. 6 E.;

36 Thence north along the easterly boundary of Sections 36, 25, 24, 13 and 12 to  
37 the northeast corner of Section 1, T. 7 S., R. 6 E.;

38 Thence west along the north line of said Section 1 to the southeast corner of  
39 Section 36, T. 6 S., R. 6 E.;

40 Thence north along the east line of said Section 36, Sections 25, 24 and 13 to the  
41 southwest corner of Section 7, T. 6 S., R. 7 E.;

1 Thence east along the south line of said Section 7 to the southeast corner  
2 thereof;

3 Thence north along the east line of said Section 7 and Section 6 of said T. 6 S.,  
4 R. 7 E., to the northeast corner of said Section 6;

5 Thence west along the north line of said Section 6 of said T. 6 S., R. 7 E. to  
6 Marshall Street;

7 Thence north along Marshall Street and on the  $\frac{1}{4}$  Section line of Sections 31 and  
8 30, T. 5 S., R. 7 E. to Highway 111;

9 Thence westerly along Highway 111 to the point of beginning.

10 **Comment.** Section 59175 continues former Fish and Game Code Section 10837 without  
11 substantive change. The refuge described in this section was formerly known as “Fish and Game  
12 District 4D.”

13 **§ 59180. Firearm prohibition**

14 59180. (a) Notwithstanding any other provision in this code, it shall be unlawful  
15 for any person to fire a firearm, but it shall not be unlawful to possess a firearm in  
16 the following areas: All of T. 5 S., R. 5 E., except Sections 1, 2, 11, 12, and 13, of  
17 Game Refuge 4D.

18 (b) In Game Refuge 4D the lawful occupant of privately owned lands or the  
19 employees of those occupants may possess firearms without a permit.

20 **Comment.** Subdivision (a) of Section 59180 continues former Fish and Game Code Section  
21 10662 without substantive change.

22 Subdivision (b) continues former Fish and Game Code Section 10663 without substantive  
23 change.

24 Article 17. Game Refuge 4G

25 **§ 59200. Description**

26 59200. The following constitutes Game Refuge 4G:

27 Beginning at the northeast corner of T. 4 S., R. 3 E., S. B. B. & M.;

28 Thence on section lines, west one mile, north one mile, west two miles, north  
29 one mile and west three miles to the northwest corner of Sec. 30, T. 3. S., R. 3 E.,  
30 S. B. B. & M.;

31 Thence south on the range line between R. 2 and 3 E., about  $7\frac{3}{4}$  miles to the  
32 crest of the divide forming the northwesterly boundary of Strawberry Creek  
33 watershed;

34 Thence southwesterly along said divide to a point on the northerly boundary of  
35 Sec. 28 in T. 5 S., R. 2 E., S. B. B. & M.;

36 Thence southwesterly in a straight line to the junction of Strawberry Creek and  
37 the south fork of the San Jacinto River;

38 Thence southeasterly and northeasterly along the crest of the divide between the  
39 waters of Dry Creek, a tributary of Strawberry Creek, and the waters of the south  
40 fork of the San Jacinto River and its tributaries to the northeasterly side of the  
41 right of way of the Pines to Palms Highway;

1 Thence southeasterly along the said northeasterly side of the right of way of the  
2 Pines to Palms Highway to the right bank of Hurkey Creek;

3 Thence northerly along the right bank of Hurkey Creek through Secs. 9 and 4 in  
4 T. 6 S., R. 3 E., and through Secs. 33, 28, 21, the southeast quarter of Sec. 16, the  
5 west one-half of Sec. 15, the east half of Sec. 10 and the northwest quarter of Sec.  
6 11 to the crest of the divide between the waters of Hurkey Creek and Murray  
7 Canyon;

8 Thence southeasterly along the crest of the divide between the waters flowing  
9 west into the San Jacinto River and the waters flowing east into Coachella Valley  
10 to a point on the south boundary of Sec. 24 in T. 5 S., R. 3 E., S. B. B. & M.;

11 Thence east on said south line of Sec. 24 to the southeast corner thereof. Thence  
12 north on the range line to the point of beginning.

13 **Comment.** Section 59200 continues former Fish and Game Code Section 10838 without  
14 substantive change. The refuge described in this section was formerly known as “Fish and Game  
15 District 4G.”

16 Article 18. California Sea Otter Game Refuge

17 **§ 59225. Description**

18 59225. The California Sea Otter Game Refuge consists of and includes the  
19 following:

20 All that portion of Monterey and San Luis Obispo Counties between Carmel  
21 River on the north and Santa Rosa Creek on the south, lying west of the Monterey-  
22 Cambria Pines Highway, also known as California Highway No. 1.

23 **Comment.** Section 59225 continues former Fish and Game Code Section 10840 without  
24 substantive change.

25 **§ 59230. Privately owned land**

26 59230. In the California Sea Otter Game Refuge, the lawful occupant of  
27 privately owned land, or the employees of a lawful occupant, may possess  
28 firearms and traps and may take on the privately owned land any nonprotected  
29 bird or mammal, and no permit is required for that taking.

30 **Comment.** Section 59230 continues former Fish and Game Code Section 10659 without  
31 substantive change.

32 Article 19. Farallon Islands Game Refuge

33 **§ 59250. Description**

34 59250. The following constitutes the Farallon Islands Game Refuge: the  
35 Southeast Farallons, including Maintop Island, Middle Farallon, the North  
36 Farallons, Noonday Rock, and the waters lying around each island within one  
37 nautical mile from the coastline of each island.

38 **Comment.** Section 59250 continues the first paragraph of former Fish and Game Code Section  
39 10843 without substantive change.

1 § 59255. Regulated activity

2 59255. (a) Section 58705 shall have no application in the Farrallon Islands  
3 Game Refuge. Fishermen, however, may not take any seal or sea lion while in this  
4 refuge, notwithstanding the provisions of Section 32500.

5 (b) Notwithstanding the provisions of Section 58700, persons on commercial  
6 vessels may possess unloaded firearms when traveling through the navigable  
7 waters of this refuge.

8 **Comment.** Section 59255 continues the second paragraph of former Fish and Game Code  
9 Section 10843 without substantive change.

10  **Note.** Existing Section 10843 refers to Section 4500.5, a provision that was repealed in 1975.  
11 See 1975 Cal. stat. ch. 786. That apparently obsolete reference is not continued in proposed  
12 Section 59255. **The Commission invites comment on whether that revision would cause any**  
13 **problem.**

14 Article 20. Johnsville Game Refuge

15 § 59275. Description

16 59275. The following constitutes the Johnsville Game Refuge: All that area  
17 within the County of Plumas within the following boundaries:

18 Beginning at the North  $\frac{1}{4}$  corner of Section 24, T. 22 N., R. 11 E., M. D. M.;  
19 thence North 89° 39' 25" East 334.93 feet; thence South 0° 08' 47" East 418.08  
20 feet; thence South 89° 48' 44" West 167.37 feet; thence South 0° 09' 33" East  
21 668.15 feet; thence South 89° 59' 48" West 496.21 feet; thence South 0° 09' 15"  
22 East 83.34 feet; thence South 89° 58' 24" West 164.51 feet; thence South 0° 08'  
23 41" East 83.31 feet; thence South 89° 59' 14" West 82.26 feet; thence South 0°  
24 08' 24" East 83.29 feet; thence North 89° 59' 55" West 82.26 feet; thence South  
25 0° 03' 55" East 83.09 feet; thence North 89° 51' 34" West 82.43 feet; thence  
26 South 0° 03' 58" East 83.05 feet; thence North 89° 50' 14" West 82.42 feet;  
27 thence South 0° 03' 30" East 331.95 feet; thence North 89° 46' 07" West 329.53  
28 feet; thence North 0° 03' 37" West 331.59 feet; thence South 89° 49' 39" East  
29 164.68 feet; thence North 0° 04' 08" West 165.91 feet; thence North 0° 04' 47"  
30 West 498.64 feet; thence South 89° 57' 00" West 164.57 feet; thence North 0° 04'  
31 11" West 184.90 feet; thence North 69° 21' 49" East 175.25 feet; thence North 0°  
32 05' 22" West 584.25 feet; thence North 89° 43' 00" East 985.90 feet to the point  
33 of beginning.

34 **Comment.** Section 59275 continues former Fish and Game Code Section 10842 without  
35 substantive change. The refuge described in this section was formerly known as "Fish and Game  
36 District 1K."

37 § 59280. Firearms and other devices

38 59280. (a) Notwithstanding any provision of law to the contrary, in the  
39 Johnsville Game Refuge it shall be unlawful for any person to discharge a firearm  
40 or other device capable of killing or injuring any animal.

1 (b) However, it shall not be unlawful for the lawful occupants of privately  
2 owned lands or the employees of those occupants to possess firearms or other  
3 devices capable of killing or injuring an animal without a permit.

4 **Comment.** Section 59280 continues the first paragraph of former Fish and Game Code Section  
5 10665 without substantive change.

6 **§ 59285. Possession**

7 59285. Birds and animals lawfully taken and possessed outside of the  
8 boundaries of the Johnsville Game Refuge may be possessed within the refuge.

9 **Comment.** Section 59285 continues the second paragraph of former Fish and Game Code  
10 Section 10665 without substantive change.

11 **Article 21. Mount Tamalpais Game Refuge**

12 **§ 59300. Description**

13 59300. The following constitutes the Mount Tamalpais Game Refuge: All that  
14 area within the County of Marin within the following boundaries:

15 Beginning at the intersection of the easterly shore of inner Bolinas Bay with the  
16 northwesterly boundary line extended, of the Stinson ranch conveyed to A. H.  
17 Stinson et al., by decree of distribution dated the 28th of July, 1911; thence  
18 northwesterly along the said northwesterly boundary line to the southwesterly  
19 boundary line of the lands of the Marin municipal water district on the crest of  
20 Bolinas Ridge; thence northeasterly, northwesterly, and easterly along the westerly  
21 and northerly boundary line of the watershed lands of the said water district to its  
22 intersection with the southwesterly corner of the Rancho Canada de Herrera;  
23 thence north 14 degrees west along the westerly line of said Rancho Canada de  
24 Herrera to the southwesterly corner of the Bothin real estate property; thence in an  
25 easterly direction along the southerly line of the said Bothin property to its  
26 intersection with the westerly boundary line of the town of Fairfax; thence in a  
27 general southerly direction along the westerly boundary of the said town of Fairfax  
28 to its intersection with the southerly boundary line of the said Rancho Canada de  
29 Herrera; thence northerly 83 degrees 15 minutes east along said southerly line  
30 3,200 feet, more or less, to its intersection with the southeasterly line of the county  
31 road leading from Fairfax to Bolinas; thence northerly along said road and along  
32 the Fairfax-Bolinas County Road to a point in the southerly line of the right of  
33 way of the Northwestern Pacific Railroad Company near Fairfax station; thence  
34 along the said last-mentioned line in a southerly direction following the westerly  
35 line of said railroad right of way to its intersection with the southerly line of the  
36 road or highway immediately south of Alto station; thence following the southerly  
37 side of said Alto-Belvedere Road and state highway easterly to its intersection  
38 with the northwesterly line of the Town of Belvedere; thence following the  
39 northwesterly line of the Town of Belvedere southwesterly to its extreme westerly  
40 corner; thence in a direct line to the extreme northerly corner of the Town of

1 Sausalito; thence southwesterly along the northwesterly line of the Town of  
2 Sausalito to its intersection with the Northwestern Pacific Railroad; thence  
3 following the westerly line of the right of way of the Northwestern Pacific railroad  
4 to Manzanita Station; thence southwesterly in a direct line to the Mill Valley State  
5 Highway; thence westerly along the said highway to its intersection with  
6 Tennessee Avenue; thence following the southerly and easterly line of Tennessee  
7 Avenue, westerly and southerly, to the corner common to ranches E, F, and A, as  
8 said ranches are delineated on the Tamalpais Land and Water Company’s map No.  
9 3; thence southwesterly along the southeasterly boundary lines of ranches E, L,  
10 and K, as shown on the said last-mentioned map, to the shore of the Pacific Ocean;  
11 thence northwesterly along the shore of the Pacific Ocean and across the easterly  
12 end of the Bolinas sandspit, and along the easterly shore of inner Bolinas Bay, to  
13 the point of beginning, excepting from the area of said Mount Tamalpais Game  
14 Refuge all lands lying within incorporated areas.

15 **Comment.** Section 59300 continues former Fish and Game Code Section 10833 without  
16 substantive change. The refuge described in this section was formerly known as “Fish and Game  
17 District 2B.”

18 **§ 59305. Take by private land owner**

19 59305. In Mt. Tamalpais Game Refuge, the lawful occupant of privately owned  
20 land, or the employees of that occupant, may take on those lands, predatory, or  
21 destructive birds and mammals that are not protected or fostered by any of the  
22 laws of this state, and are not required to obtain permits for that taking.

23 **Comment.** Section 59305 continues former Fish and Game Code Section 10650 without  
24 substantive change.

25 **§ 59310. Firearm use by high school militia**

26 59310. In the Mt. Tamalpais Game Refuge firearms may be possessed and used  
27 by members of any high school militia while on the grounds of the high school at  
28 which time they may be enrolled.

29 **Comment.** Section 59310 continues former Fish and Game Code Section 10651 without  
30 substantive change.

31 **§ 59315. Special rules on take**

32 59315. (a) In the Mt. Tamalpais Game Refuge, no threatened, endangered, or  
33 fully-protected birds or mammals may be taken under any permit issued by the  
34 department.

35 (b) Except for wild pigs, it is unlawful to take any bird or mammal under a  
36 permit issued by the department unless the person possessing the permit is  
37 accompanied by a member of the commission, a deputy of the department, or a  
38 sheriff or deputy sheriff of Marin County.

39 **Comment.** Section 59315 continues former Fish and Game Code Section 10652 without  
40 substantive change.

1 Article 22. Preston School of Industry Game Refuge

2 § 59350. Description

3 59350. The Preston School of Industry Game Refuge consists of and includes  
4 the following:

5 The Preston School of Industry Reservoir, which is situated on land occupied by  
6 the Preston School of Industry, Ione, Amador County.

7 **Comment.** Section 59350 continues former Fish and Game Code Section 10841 without  
8 substantive change.

9 TITLE 4. FISH AND GAME REFUGES

10 CHAPTER 1. FISH AND GAME REFUGES GENERALLY

11 § 59400. Fish and game refuge is both a fish refuge and game refuge

12 59400. Any refuge designated as a “fish and game refuge” shall be considered,  
13 for the purposes of this part, as both a game refuge and a fish refuge.

14 **Comment.** Section 59400 continues former Fish and Game Code Section 10509 without  
15 substantive change.

16 CHAPTER 2. SPECIFIC FISH AND GAME REFUGES

17 Article 1. General Provisions

18 § 59425. Described areas

19 59425. The areas described in this chapter are fish and game refuges.

20 **Comment.** Section 59425 continues former Fish and Game Code Section 10770 without  
21 substantive change.

22 Article 2. San Francisco Fish and Game Refuge

23 § 59450. Description

24 59450. The following constitutes and shall be designated the San Francisco Fish  
25 and Game Refuge: All that area within the County of San Mateo, within the  
26 following boundaries:

27 Beginning at a point on the westerly side of the Skyline Boulevard where said  
28 line crosses the fence line between the properties of the San Francisco Water  
29 Department and the Jersey farm, thence following southerly the westerly line of  
30 the Skyline Boulevard to the northerly line of the property of the Panama Realty  
31 Company, thence following in a generally southerly direction the easterly line of  
32 the property of the San Francisco Water Department to the center of the Canada  
33 Road, thence due west to the westerly line of said Canada Road, thence southerly

1 along the westerly line of said road to the southerly line of the property of the San  
2 Francisco Water Department, thence westerly following the southerly line of the  
3 San Francisco Water Department to the Skyline Boulevard, thence northerly  
4 following the easterly line of the Skyline Boulevard to its intersection with the  
5 easterly line of the Carry E. Bridge property, thence following northerly the  
6 easterly line of the said Carry E. Bridge property to its intersection with the  
7 easterly line of the Skyline Boulevard, thence northerly following the easterly line  
8 of the said Skyline Boulevard to the Half Moon Bay Road, thence crossing the  
9 said Skyline Boulevard and said Half Moon Bay Road to the westerly line of the  
10 property of the San Francisco Water Department on the northerly side of said Half  
11 Moon Bay Road, thence following the westerly line of the San Francisco Water  
12 Department in a generally northwesterly direction to the point of beginning.

13 **Comment.** Section 59450 continues former Fish and Game Code Section 10771 without  
14 substantive change.

15 **§ 59455. Transport of animals**

16 59455. In the San Francisco Fish and Game Refuge, birds, mammals, fish,  
17 amphibians, and reptiles legally possessed may be carried openly by persons  
18 traveling through the refuge on public roads, between one-half hour before sunrise  
19 and one-half hour after sunset.

20 **Comment.** Section 59455 continues former Fish and Game Code Section 10653 without  
21 substantive change.

22 **Note.** Existing Section 10653 refers to the “San Francisco Game Refuge.” There is no game  
23 refuge with that name. However, there is a “San Francisco Fish and Game Refuge” (which, by  
24 law, is treated as both a fish refuge and game refuge). It seems probable that Section 10653 was  
25 intended to apply to the San Francisco Fish and Game Refuge. In proposed Section 59455, the  
26 provision is revised and located accordingly. **The Commission invites comment on whether**  
27 **that would cause any problems.**

28 **§ 59460. Use of land for water supply purposes**

29 59460. Nothing in this part prevents the full use of the land included in the San  
30 Francisco Fish and Game Refuge for water supply purposes, nor prohibits any  
31 authorized employee of the San Francisco water department from carrying out any  
32 reasonable measures that may be necessary for the protection of the water supply  
33 or the prevention of pollution of the streams or reservoirs.

34 **Comment.** Section 59460 continues former Fish and Game Code Section 10654 without  
35 substantive

36 **Note.** Existing Section 10654 refers to the “San Francisco Game Refuge.” There is no game  
37 refuge with that name. However, there is a “San Francisco Fish and Game Refuge” (which, by  
38 law, is treated as both a fish refuge and game refuge). It seems probable that Section 10654 was  
39 intended to apply to the San Francisco Fish and Game Refuge. In proposed Section 59460, the  
40 provision is revised and located accordingly. **The Commission invites comment on whether**  
41 **that would cause any problems.**

1 TITLE 5. WATERFOWL REFUGES

2 CHAPTER 1. WATERFOWL REFUGES GENERALLY

3 § 59500. Prohibition

4 59500. (a) Except under a permit or specific authorization, it is unlawful to take  
5 or possess a bird, discharge a firearm or BB device, or release an arrow or  
6 crossbow bolt, within or into a waterfowl refuge.

7 (b) The punishment for a violation of this section is a fine of not more than two  
8 thousand dollars (\$2,000), imprisonment in a county jail for not more than one  
9 year, or both the fine and imprisonment.

10 **Comment.** Subdivision (a) of Section 59500 continues former Fish and Game Code Section  
11 10500(d) without substantive change.

12 Subdivision (b) continues former Fish and Game Code Section 12002(b)(6) without  
13 substantive change.

14 CHAPTER 2. SPECIFIC WATERFOWL REFUGES

15 Article 1. General Provisions

16 § 59525. Described areas

17 59525. The areas described in this chapter are waterfowl refuges.

18 **Comment.** Section 59525 continues former Fish and Game Code Section 10860 without  
19 substantive change.

20 Article 2. San Leandro Waterfowl Refuge

21 § 59550. Description

22 59550. The following constitutes a waterfowl refuge and shall be designated the  
23 San Leandro Waterfowl Refuge: All the area within the County of Alameda,  
24 within the following boundaries:

25 Beginning at the Bay Farm Island Bridge, in Alameda, thence in a southerly  
26 direction, following the levee on westerly side of San Leandro Bay to the  
27 Hagenburger Road, thence in a northeasterly direction along said Hagenburger  
28 Road to a point where the Pacific Gas and Electric tower line crosses said  
29 Hagenburger Road, thence following said Pacific Gas and Electric tower line to  
30 the Pacific Gas and Electric substation at the foot of Fiftieth Avenue in Oakland,  
31 thence in a westerly direction along the high tide line of San Leandro Bay to the  
32 point of beginning.

33 **Comment.** Section 59550 continues former Fish and Game Code Section 10861 without  
34 substantive change.

1

## TITLE 6. MARINE LIFE REFUGES

2

### CHAPTER 1. MARINE LIFE REFUGES GENERALLY

3

#### § 59600. Prohibition

4

59600. (a) Except under a permit or specific authorization, it is unlawful to take or possess an invertebrate or specimen of marine plant life in a marine life refuge.

6

(b) The punishment for a violation of this section is a fine of not more than two thousand dollars (\$2,000), imprisonment in a county jail for not more than one year, or both the fine and imprisonment.

9

**Comment.** Subdivision (a) of Section 59600 continues former Fish and Game Code Section 10500(f) without substantive change.

10

11

Subdivision (b) continues former Fish and Game Code Section 12002(b)(6) without substantive change.

12

13

### CHAPTER 2. SPECIFIC MARINE LIFE REFUGES

14

#### Article 1. General Provisions

15

#### § 59625. Described areas

16

59625. The areas described in this chapter are marine life refuges.

17

**Comment.** Section 59625 continues former Fish and Game Code Section 10900 without substantive change.

18

19

#### Article 2. Bodega Marine Life Refuge

20

#### § 59650. Description

21

59650. The following constitutes a marine life refuge and shall be designated the Bodega Marine Life Refuge:

22

23

That portion of District 2590 consisting of that certain parcel of land bounded by the line of Mean High Tide of the Pacific Ocean lying between the northern boundary extended northwesterly and the southern boundary extended southwesterly of the lands of the Regents of the University of California according to the final order of condemnation in Case No. 47,617 in the Superior Court of the State of California in and for the County of Sonoma, recorded in Book 1930, at pages 656 and 659, inclusive, Official Records, Sonoma County, California, and extending into and including the state waters of the State of California for a distance of a thousand feet into the Pacific Ocean from the line of Mean High Tide.

32

33

**Comment.** Section 59650 continues former Fish and Game Code Section 10903 without substantive change.

34

1    **§ 59655. Director**

2    59655. (a) The director may appoint the Director of the Bodega Marine Life  
3    Refuge.

4    (b) The Director of the Bodega Marine Life Refuge may authorize any person to  
5    enter the Bodega Marine Life Refuge for the purpose of taking fish, invertebrates,  
6    or marine plants for scientific study and to take or possess fish, invertebrates, or  
7    marine plants for scientific study.

8    (c) The Director of the Bodega Marine Life Refuge may authorize any person to  
9    anchor a vessel in the Bodega Marine Life Refuge for the purpose of scientific  
10   study.

11    **Comment.** Section 59655 continues former Fish and Game Code Section 10502.7 without  
12    substantive change.

13    **§ 59670. Prohibitions**

14    59670. (a) Except as expressly provided in this part, it is unlawful to enter the  
15    Bodega Marine Life Refuge for the purpose of taking or possessing any fish,  
16    marine invertebrate, or marine plant, or to take or possess any fish, marine  
17    invertebrate, or marine plant in the Bodega Marine Life Refuge.

18    (b) Except as permitted by federal law or emergency caused by hazardous  
19    weather, it is unlawful to anchor or moor a vessel in the Bodega Marine Life  
20    Refuge without authorization by the Director of the Bodega Marine Life Refuge  
21    pursuant to Section 59655.

22    (c) This section does not prohibit or restrict navigation in the Bodega Marine  
23    Life Refuge pursuant to federal law.

24    **Comment.** Section 59670 continues former Fish and Game Code Section 10656 without  
25    substantive change.

26    **§ 59675. University of California**

27    59675. In the Bodega Marine Life Refuge, licensees of the Regents of the  
28    University of California and all officers, employees, and students of that university  
29    may take, for scientific purposes, any invertebrate or specimen of marine plant life  
30    without a permit from the department.

31    **Comment.** Section 59675 continues former Fish and Game Code Section 10661 without  
32    substantive change.

33                    Article 3. Catalina Marine Science Center Marine Life Refuge

34    **§ 59700. Description**

35    59700. The following constitutes a marine life refuge and shall be designated the  
36    Catalina Marine Science Center Marine Life Refuge:

37    All that area bounded on the south and southeast by the mean high tide line and  
38    by the present seaward boundary of the lease to tide and submerged lands now  
39    held by the University of Southern California from the State Lands Commission

1 (No. 3692.1 Public Resources Code Series) and extending from a point on the  
2 mean high tide line at 33° 26' 39" North Latitude 118° 29' 19" West Longitude,  
3 thence to 33° 26' 50" North Latitude 118° 29' 08" West Longitude, thence to 33°  
4 26' 57.5" North Latitude 118° 28' 33.5" West Longitude, thence to 33° 26' 55"  
5 North Latitude 118° 28' 32" West Longitude, and thence to a point on the mean  
6 high tide line at 33° 26' 53.5" North Latitude 118° 28' 35" West Longitude.

7 **Comment.** Section 59700 continues former Fish and Game Code Section 10932 without  
8 substantive change.

9 **§ 59705. Director**

10 59705. (a) The director may appoint the Director of the Catalina Marine Science  
11 Center Marine Life Refuge.

12 (b) The Director of the Catalina Marine Science Center Marine Life Refuge may  
13 authorize any person to enter the Catalina Marine Science Center Marine Life  
14 Refuge for the purpose of taking fish or marine plants under the conditions that the  
15 department determines necessary for the protection and propagation of fish and  
16 wildlife and related scientific purposes in that refuge.

17 (c) The Director of the Catalina Marine Science Center Marine Life Refuge,  
18 upon recommendation of the Director of the Catalina Marine Science Center, may  
19 authorize any person involved in oceanographic and scientific research in and  
20 around Santa Catalina Island to anchor or moor a vessel in the Catalina Marine  
21 Science Center Marine Life Refuge.

22 **Comment.** Section 59705 continues former Fish and Game Code Section 10502.8 without  
23 substantive change.

24 **§ 59710. Prohibitions**

25 59710. (a) Except as expressly provided in this part, it is unlawful to enter the  
26 Catalina Marine Science Center Marine Life Refuge for the purpose of taking or  
27 possessing any fish or marine plants or to take or possess any fish or marine plants  
28 in the Catalina Marine Science Center Marine Life Refuge.

29 (b) Except as permitted by federal law or emergency caused by hazardous  
30 weather, it is unlawful to anchor or moor a vessel in the Catalina Marine Science  
31 Center Marine Life Refuge without authorization by the Director of the Catalina  
32 Marine Science Center Marine Life Refuge pursuant to Section 59705.

33 (c) Section 59715 and this section do not prohibit or restrict navigation in the  
34 Catalina Marine Science Center Marine Life Refuge pursuant to federal law.

35 **Comment.** Section 59710 continues former Fish and Game Code Section 10655.5 without  
36 substantive change.

37 **§ 59715. Exceptions to prohibitions**

38 59715. (a) A person involved in oceanographic and scientific research in and  
39 around Santa Catalina Island may be authorized by the Director of the Catalina

1 Marine Science Center Marine Life Refuge to enter the Catalina Marine Science  
2 Center Marine Life Refuge and to anchor or moor a vessel therein.

3 (b) The Director of the Catalina Marine Science Center Marine Life Refuge, or  
4 any person that the Director of the Catalina Marine Science Center Marine Life  
5 Refuge has authorized under Section 59705, may take, for scientific purposes, any  
6 fish or specimen of marine plant life under the conditions prescribed by the  
7 department under Section 59705.

8 **Comment.** Section 59715 continues former Fish and Game Code Section 10655 without  
9 substantive change.

10 Article 4. City of Encinitas Marine Life Refuge

11 **§ 59750. Description**

12 59750. The land and ocean waters within the following boundaries constitute the  
13 City of Encinitas Marine Life Refuge:

14 All those submerged lands lying between the mean high tide line in the City of  
15 Encinitas, County of San Diego, State of California, and a line which is 600 feet  
16 westerly of and parallel and concentric with that mean high tide line and lying  
17 southerly of the westerly prolongation of the northerly right-of-way line of “D”  
18 Street as shown on Map No. 148, in the City of Encinitas, County of San Diego,  
19 State of California, filed in the office of the County Recorder of San Diego  
20 County, and lying northerly of the following described line:

21 Beginning at the southeasterly corner of Lot N in Block 3 of Resubdivision of  
22 Sea Cliff Villa, in the City of Encinitas, County of San Diego, State of California,  
23 filed in the San Diego County Recorder’s office, December 10, 1914; thence  
24 southwesterly along the southwesterly prolongation of the southeasterly line of  
25 said Lot N, South 36°36’30” west, to a point on that line which is 600 feet  
26 westerly of and parallel and concentric with the mean high tide line.

27 **Comment.** Section 59750 continues former Fish and Game Code Section 10913 without  
28 substantive change.

29 Article 5. Dana Point Marine Life Refuge

30 **§ 59775. Description**

31 59775. The following constitutes a marine life refuge and shall be designated as  
32 the Dana Point Marine Life Refuge:

33 That portion of District 2625 consisting of land and ocean waters bounded by a  
34 line commencing at Station 70 of the mean high tide line as shown on Document  
35 Number 25208 recorded in Book 7651, page 69 of Official Records on file in the  
36 Office of County Recorder of Orange County; thence along the mean high tide  
37 line westerly and northerly 3500 feet more or less to intersection with a line which  
38 is 2440 feet south of and parallel to the north line of Fractional Section 21, R. 8  
39 W., T. 8 S., S.B.M.’; thence west 1200 feet; thence southerly and easterly 1200

1 feet from and parallel to the shore line to an intersection with a line which bears S  
2 40° 00′ E. from said Station 70; thence N 40° 00′ W. 1200 feet more or less to the  
3 point of beginning.

4 **Comment.** Section 59775 continues former Fish and Game Code Section 10907 without  
5 substantive change.

6 **§ 59780. Director**

7 59780. (a) The director may appoint a Director of the Dana Point Marine Life  
8 Refuge.

9 (b) Except as otherwise provided in this section, no state funds, including, but  
10 not limited to, the Fish and Game Preservation Fund, shall be used to pay the  
11 compensation or expenses of the Director of the Dana Point Marine Life Refuge.  
12 A city, county, or special district may use any funds, including state funds  
13 appropriated to the city, county, or special district, to pay the compensation and  
14 expenses of the director and a public postsecondary educational institution may  
15 use private or state funds to pay the compensation and expenses of the director.

16 (c) The Director of the Dana Point Marine Life Refuge may issue a permit  
17 authorizing any person to enter the Dana Point Marine Life Refuge for the purpose  
18 of taking fish or marine plants under the conditions that the department determines  
19 to be necessary for the protection and propagation of fish and wildlife and related  
20 scientific purposes in that refuge.

21 (d) The Director of the Dana Point Marine Life Refuge shall erect and maintain  
22 signs identifying the boundaries of the Dana Point Marine Life Refuge. The signs  
23 shall contain notification regarding the permit requirements of the refuge. The  
24 signs shall specify that an access permit shall be obtained from the Director of the  
25 Dana Point Marine Life Refuge and a scientific collector's permit from the  
26 department in order to take any fish or specimen of marine plant life.

27 **Comment.** Section 59780 continues former Fish and Game Code Section 10502.6 without  
28 substantive change.

29 **§ 59785. Take**

30 59785. (a) In the Dana Point Marine Life Refuge below the intertidal zone, the  
31 following fish, mollusks, and crustaceans may be taken under the authority of a  
32 sportfishing license as authorized by this code: abalone (subject to the moratorium  
33 imposed under Section 45800), lobster, rockfish (Scorpaenidae), greenling, ling  
34 cod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass,  
35 barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye,  
36 halfmoon, surfperch (Embiotocidae), blacksmith, barracuda, sheephead, bonito,  
37 California halibut, sole, turbot, and sanddab.

38 (b) All other fish and forms of aquatic life are protected and may not be taken  
39 without a written permit from the department.

40 (c) Fin fish shall be taken only by hook and line or by spearfishing gear.

1 **Comment.** Section 59785 continues former Fish and Game Code Section 10667(a) without  
2 substantive change.

3 **§ 59790. Entry prohibition**

4 59790. Except as expressly provided in this article, it is unlawful to enter the  
5 intertidal zone in the Dana Point Marine Life Refuge for the purpose of taking or  
6 possessing, or to take or possess, any species of fish, plant, or invertebrate, or part  
7 thereof, to use or have in possession any contrivance designed to be used for  
8 catching fish, to disturb any native plant, fish, wildlife, aquatic organism, or to  
9 take or disturb any natural geological feature.

10 **Comment.** Section 59790 generalizes the first sentence of former Fish and Game Code Section  
11 10667(b) without substantive change.

12  **Note.** Existing Section 10667(b) refers to “this section.” Proposed Section 59790 would  
13 broaden that provision to refer to “this article.” This would include Section 10502.6 within the  
14 scope of the reference. **The Commission invites comment on whether that change would**  
15 **cause any problem.**

16 **§ 59795. Exceptions to prohibitions**

17 59795. (a) Section 59790 does not prohibit persons from entering the intertidal  
18 zone for the purpose of entertainment, recreation, and education while having a  
19 minimum impact on the intertidal environment and the living organisms therein.  
20 For this purpose, minimum impact includes foot traffic, general observation of  
21 organisms in their environment with immediate replacement of any unattached  
22 organisms to their natural location after temporary lifting for examination, and  
23 photography. Minimum impact does not include removal of attached organisms  
24 from their environment, gathering of fishing bait, littering, collecting rocks and  
25 shells, or turning rocks or other acts destructive to the environment.

26 (b) Notwithstanding Sections 59785 and 59790, the Director of the Dana Point  
27 Marine Life Refuge, or any person, who has a scientific collector’s permit from  
28 the department, to whom the Director of the Dana Point Marine Life Refuge has  
29 issued a permit pursuant to Section 59780, may take, for scientific purposes, any  
30 fish or specimen of marine plant life under the conditions prescribed by the  
31 department pursuant to Section 59780.

32 (c) This article does not prohibit the entry of state and local law enforcement  
33 officers, fire suppression agencies, and employees of the department in the  
34 performance of their official duties.

35 (d) This article does not prohibit or restrict navigation in the Dana Point Marine  
36 Life Refuge pursuant to federal law.

37 **Comment.** Subdivision (a) of Section 59795 continues the second through fourth sentences of  
38 former Fish and Game Code Section 10667(b) without substantive change.

39 Subdivision (b) continues former Fish and Game Code Section 10667(d).

40 Subdivision (c) continues the first sentence of former Fish and Game Code Section 10667(e).

41 Subdivision (d) continues the second sentence of former Fish and Game Code Section  
42 10667(e).

**Note.** Existing Section 10667(e) refers twice to “this section.” Proposed Section 59795(c) and (d) would broaden that language to refer to “this article.” This would include Section 10502.6 within the scope of the references. **The Commission invites comment on whether that change would cause any problem.**

**§ 59800. “Intertidal zone” defined**

59800. For the purposes of this article, “intertidal zone” means the area of the refuge between the mean lower low-water mark and the mean high-tide line described in Section 59775.

**Comment.** Section 59800 continues former Fish and Game Code Section 10667(c) without substantive change.

Article 6. Doheny Beach Marine Life Refuge

**§ 59825. Description**

59825. The following constitutes a marine life refuge and shall be designated as the Doheny Beach Marine Life Refuge:

All that area lying 600 feet seaward of and below the mean high tide line of the Pacific Ocean between the prolongation of the line common to Blocks A and B of Tract No. 797, Capistrano Beach #3, in the County of Orange, State of California, as per map recorded in Book 25, pages 10 to 15, inclusive, of Miscellaneous Maps in the office of the County Recorder of such county, such line also being the prolongation of the easterly line of Doheny State Beach, a unit of the State Park System acquired by deed dated April 29, 1957, from the Union Oil Company of California, recorded on October 9, 1957, in Book 4063 of Official Records at page 88, Orange County, California, and the east breakwater of the Dana Point Harbor, a project of the Orange County Harbor District, a political subdivision of the State of California.

**Comment.** Section 59825 continues former Fish and Game Code Section 10908 without substantive change.

**§ 59830. Take of fish in refuge**

59830. (a) In the Doheny Beach Marine Life Refuge, the following fish, mollusks, and crustaceans may be taken under the authority of a sportfishing license as authorized by this code: abalone, lobster, rockfish (Scorpaenidae), greenling, ling cod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye, halfmoon, surfperch (Embiotocidae), blacksmith, barracuda, sheephead, bonito, California halibut, sole, turbot, and sanddab.

(b) Fin fish shall be taken only by hook and line or by spearfishing gear.

(c) All other fish and forms of aquatic life are protected and may not be taken without a written permit from the department.

**Comment.** Section 59830 continues former Fish and Game Code Section 10664, as it relates to the Doheny Beach Marine Refuge without substantive change.

1 Article 7. Hopkins Marine Life Refuge

2 **§ 59850. Description**

3 59850. That portion of District 2610 consisting of the land and ocean waters  
4 within the following boundaries constitutes a marine life refuge and shall be  
5 designated the Hopkins Marine Life Refuge:

6 Beginning at the point of intersection of the southeasterly corporate limit line of  
7 the City of Pacific Grove prolonged, and the line of highest tide of the Bay of  
8 Monterey; thence northwesterly along said line of highest tide to the intersection  
9 with the northerly extension of the west side of Third Street in said city; thence  
10 northerly to a point in said bay where the depth of water is 60 feet measured from  
11 the level of mean low tide; thence southeasterly along the line in said bay which  
12 line is at a constant depth of 60 feet measured from the level of mean low tide to  
13 the intersection with the southeasterly corporate limit line of said city prolonged;  
14 thence S. 58° 57' 45" W. along said southeasterly corporate limit line prolonged  
15 to the point of beginning.

16 **Comment.** Section 59850 continues former Fish and Game Code Section 10901 without  
17 substantive change.

18 **§ 59855. Director**

19 59855. The director may appoint the Director of the Hopkins Marine Life  
20 Refuge.

21 **Comment.** Section 59855 continues the first sentence of former Fish and Game Code Section  
22 10502.5 without substantive change.

23 **§ 59860. Special prohibition**

24 59860. Except as expressly provided in this part, it is unlawful to enter the  
25 Hopkins Marine Life Refuge for the purpose of taking or possessing any fish or  
26 marine plants or to take or possess any fish or marine plants in the Hopkins  
27 Marine Life Refuge.

28 **Comment.** Section 59860 continues the first sentence of former Fish and Game Code Section  
29 10657.5 without substantive change.

30 **§ 59865. Exceptions to prohibition**

31 59865. (a) A person may be permitted by the Director of the Hopkins Marine  
32 Life Refuge to enter the Hopkins Marine Life Refuge under a permit.

33 (b) The Director of the Hopkins Marine Life Refuge, or any person to whom the  
34 Director of the Hopkins Marine Life Refuge has issued a permit under subdivision  
35 (c) of Section 59865, may take, for scientific purposes, any fish or specimen of  
36 marine plant life under the conditions prescribed by the department under  
37 subdivision (c) of Section 59865.

38 (c) The Director of the Hopkins Marine Life Refuge may issue a permit to any  
39 person under which the person may enter the Hopkins Marine Life Refuge for the

1 purpose of taking fish or marine plants under the conditions that the department  
2 determines necessary for the protection and propagation of fish and wildlife and  
3 related scientific purposes in that refuge.

4 (d) This section and Section 59860 do not prohibit or restrict navigation in the  
5 Hopkins Marine Life Refuge pursuant to federal law.

6 **Comment.** Subdivisions (a) and (b) of Section 59865 continues former Fish and Game Code  
7 Section 10657 without substantive change.

8 Subdivision (c) continues the second sentence of former Fish and Game Code Section 10502.5  
9 without substantive change.

10 Subdivision (d) continues the second sentence of former Fish and Game Code Section 10657.5  
11 without substantive change.

## 12 Article 8. Irvine Coast Marine Life Refuge

### 13 § 59900. Description

14 59900. The following constitutes a marine life refuge and shall be designated as  
15 the Irvine Coast Marine Life Refuge:

16 That portion of California state tide and submerged lands adjoining the Newport  
17 Beach Marine Life Refuge as described in Section 59975 and bounded by a line  
18 beginning at the intersection of the southwesterly extension of lot 141, Tract No.  
19 3357 as shown on a map recorded in Book 107, Page 1 of Miscellaneous Maps on  
20 file in the office of the County Recorder, Orange County and the Line of Ordinary  
21 High Tide; thence, southeasterly along the Line of Ordinary High Tide  
22 approximately 20,000 feet to its intersection with the southwesterly extension of  
23 the northwesterly boundary line of the City of Laguna Beach; thence,  
24 southwesterly along such southwesterly extension 600 feet; thence, northwesterly  
25 along a line parallel to and 600 feet southwesterly of the Line of Ordinary High  
26 Tide to the southwesterly extension of said lot 141; thence, northeasterly 600 feet  
27 along such southwesterly extension to the point of beginning.

28 **Comment.** Section 59900 continues former Fish and Game Code Section 10912 without  
29 substantive change.

### 30 § 59905. Take of fish in refuge

31 59905. (a) In the Irvine Coast Marine Life Refuge, the following fish, mollusks,  
32 and crustaceans may be taken under the authority of a sportfishing license as  
33 authorized by this code: abalone, lobster, rockfish (Scorpaenidae), greenling, ling  
34 cod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass,  
35 barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye,  
36 halfmoon, surfperch (Embiotocidae), blacksmith, barracuda, sheephead, bonito,  
37 California halibut, sole, turbot, and sanddab.

38 (b) Fin fish shall be taken only by hook and line or by spearfishing gear.

39 (c) All other fish and forms of aquatic life are protected and may not be taken  
40 without a written permit from the department.



1 monkeyface eel, rock eel, white croaker, halibut, cabezon (*Scorpaenichthys*  
2 *marmoratus*), kelp greenling (*Hexagrammos decagrammus*), and smelt (*Osmeridae*  
3 and *Antherinidae*).

4 (b) No fish listed in subdivision (a) that has fins may be taken except by hook  
5 and line or by spearfishing.

6 (c) All other fish and forms of aquatic life are protected and may not be taken  
7 without a written permit from the department.

8 **Comment.** Section 59930 continues former Fish and Game Code Section 10666 without  
9 substantive change.

## 10 Article 10. Laguna Beach Marine Life Refuge

### 11 § 59950. Description

12 59950. The following constitutes a marine life refuge and shall be designated as  
13 the Laguna Beach Marine Life Refuge:

14 That portion of District 2625 consisting of that certain parcel of land bounded by  
15 a line commencing at the mean high tide of the Pacific Ocean lying on the  
16 northern boundary of the City of Laguna Beach and running for a distance of 600  
17 feet into the Pacific Ocean along that boundary, and thence generally  
18 southeastward and generally parallel to the shoreline at a distance of  
19 approximately 600 feet to the northern boundary of the South Laguna Beach  
20 Marine Life Refuge, and thence generally northeastward for a distance of  
21 approximately 700 feet to the mean high tide, and thence generally northwestward  
22 along the line of mean high tide to the point of beginning.

23 **Comment.** Section 59950 continues former Fish and Game Code Section 10904 without  
24 substantive change.

### 25 § 59955. Take of fish in refuge

26 59955. (a) In the Laguna Beach Marine Life Refuge, the following fish,  
27 mollusks, and crustaceans may be taken under the authority of a sportfishing  
28 license as authorized by this code: abalone, lobster, rockfish (*Scorpaenidae*),  
29 greenling, ling cod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted  
30 sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass,  
31 opaleye, halfmoon, surfperch (*Embiotocidae*), blacksmith, barracuda, sheephead,  
32 bonito, California halibut, sole, turbot, and sanddab.

33 (b) Fin fish shall be taken only by hook and line or by spearfishing gear.

34 (c) All other fish and forms of aquatic life are protected and may not be taken  
35 without a written permit from the department.

36 **Comment.** Section 59955 continues former Fish and Game Code Section 10664, as it relates to  
37 the Laguna Beach Marine Refuge without substantive change.

1 Article 11. Newport Beach Marine Life Refuge

2 **§ 59975. Description**

3 59975. The following constitutes a marine life refuge and shall be designated as  
4 the Newport Beach Marine Life Refuge:

5 That portion of District 2625 consisting of that certain parcel of land bounded by  
6 the line of Mean High Tide of the Pacific Ocean between the eastern boundary of  
7 the City of Newport Beach and Poppy Avenue in the City of Newport Beach, and  
8 extending into and including the state waters of the State of California for a  
9 distance of two hundred feet into the Pacific Ocean from the line of Mean High  
10 Tide.

11 **Comment.** Section 59975 continues former Fish and Game Code Section 10905 without  
12 substantive change.

13 **§ 59980. Take of fish in refuge**

14 59980. (a) In the Newport Beach Marine Life Refuge, the following fish,  
15 mollusks, and crustaceans may be taken under the authority of a sportfishing  
16 license as authorized by this code: abalone, lobster, rockfish (*Scorpaenidae*),  
17 greenling, ling cod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted  
18 sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass,  
19 opaleye, halfmoon, surfperch (*Embiotocidae*), blacksmith, barracuda, sheephead,  
20 bonito, California halibut, sole, turbot, and sanddab.

21 (b) Fin fish shall be taken only by hook and line or by spearfishing gear.

22 (c) All other fish and forms of aquatic life are protected and may not be taken  
23 without a written permit from the department.

24 **Comment.** Section 59980 continues former Fish and Game Code Section 10664, as it relates to  
25 the Newport Beach Marine Refuge without substantive change.

26 Article 12. Niguel Marine Life Refuge

27 **§ 60000. Description**

28 60000. The following constitutes a marine life refuge and shall be designated as  
29 the Niguel Marine Life Refuge: That portion of California state tide and  
30 submerged lands bounded by a line commencing at a point which is the  
31 intersection of the line of mean high tide and a line which is 2,440 feet south of  
32 and parallel to the north line of Fractional Section 21, R.8W., T.8S., S.B.M., such  
33 point also being on the north boundary of the Dana Point Marine Life Refuge,  
34 thence along the mean high tide line northerly and westerly 12,000 feet more or  
35 less to its intersection with the westerly prolongation of the most northerly  
36 boundary line of lot 101 of “Three Arches Palisades No. 1” as shown on a map  
37 filed in book 3, page 3, Records of Surveys in the Office of the County Recorder,  
38 Orange County; thence, S. 89° 54′ W. 1,200 feet from such point of intersection  
39 along the westerly prolongation of such northerly boundary line; thence, south and

1 west, and east parallel to and 1,200 feet from the line of mean high tide to a point  
2 on the north line of Dana Point Marine Life Refuge and also being 1,200 feet west  
3 of the point of beginning; thence, east 1,200 feet along the northerly boundary of  
4 Dana Point Marine Life Refuge to the point of beginning.

5 **Comment.** Section 60000 continues former Fish and Game Code Section 10911 without  
6 substantive change.

7 **§ 60005. Take of fish in refuge**

8 60005. (a) In the Niguel Marine Life Refuge, the following fish, mollusks, and  
9 crustaceans may be taken under the authority of a sportfishing license as  
10 authorized by this code: abalone, lobster, rockfish (Scorpaenidae), greenling, ling  
11 cod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass,  
12 barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye,  
13 halfmoon, surfperch (Embiotocidae), blacksmith, barracuda, sheephead, bonito,  
14 California halibut, sole, turbot, and sanddab.

15 (b) Fin fish shall be taken only by hook and line or by spearfishing gear.

16 (c) All other fish and forms of aquatic life are protected and may not be taken  
17 without a written permit from the department.

18 **Comment.** Section 60005 continues former Fish and Game Code Section 10664, as it relates to  
19 the Niguel Marine Refuge without substantive change.

20 **Article 13. Point Fermin Marine Life Refuge**

21 **§ 60025. Description**

22 60025. The following constitutes a marine life refuge and shall be designated as  
23 the Point Fermin Marine Life Refuge:

24 That portion of District 2625 consisting of land and ocean waters bounded by  
25 the line of mean high tide of the Pacific Ocean extending into and including the  
26 state waters of the State of California for a distance of 600 feet below low-tide  
27 mark, in the San Pedro area of the City of Los Angeles in an area generally  
28 parallel to the shoreline lying between the easterly extension of 40th Street,  
29 westerly to the southerly extension of Gaffey Street at Point Fermin.

30 **Comment.** Section 60025 continues former Fish and Game Code Section 10910 without  
31 substantive change.

32 **§ 60030. Take of fish in refuge**

33 60030. (a) In the Point Fermin Marine Life Refuge, the following fish, mollusks,  
34 and crustaceans may be taken under the authority of a sportfishing license as  
35 authorized by this code: abalone, lobster, rockfish (Scorpaenidae), greenling, ling  
36 cod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted sand bass,  
37 barred sand bass, sargo, croaker, queenfish, corbina, white seabass, opaleye,  
38 halfmoon, surfperch (Embiotocidae), blacksmith, barracuda, sheephead, bonito,  
39 California halibut, sole, turbot, and sanddab.

- 1 (b) Fin fish shall be taken only by hook and line or by spearfishing gear.  
2 (c) All other fish and forms of aquatic life are protected and may not be taken  
3 without a written permit from the department.  
4 **Comment.** Section 60030 continues former Fish and Game Code Section 10664, as it relates to  
5 the Point Fermin Marine Refuge without substantive change.

6 Article 14. San Diego Marine Life Refuge

7 **§ 60050. Description**

8 60050. The following constitutes a marine life refuge and shall be designated the  
9 San Diego Marine Life Refuge:

10 That portion of District 2625 consisting of that certain strip of land lying  
11 between the westerly edge of Pueblo Lot No. 1298 of the pueblo lands of the City  
12 of San Diego, according to the official map of said pueblo lands as made by James  
13 Pascoe, and filed in the Office of the County Recorder of said County of San  
14 Diego, and the lowest tide line opposite to and west of said pueblo lot, which said  
15 strip of land is bounded on the north by the northerly boundary line of said pueblo  
16 lot extended westerly and on the south by the southerly boundary line of said  
17 pueblo lot extended westerly; together with the state waters of the State of  
18 California adjacent thereto, being those state waters which lie between said  
19 extended northerly and southerly boundaries of said pueblo lot and extend  
20 westerly from said lowest low tide line for a distance of 1,000 feet.

21 **Comment.** Section 60050 continues former Fish and Game Code Section 10902 without  
22 substantive change.

23 **§ 60055. University of California**

24 60055. In the San Diego Marine Life Refuge, licensees of the Regents of the  
25 University of California and all officers, employees, and students of such  
26 university may take, for scientific purposes, any invertebrate or specimen of  
27 marine plant life without a permit from the department.

28 **Comment.** Section 60055 continues former Fish and Game Code Section 10658 without  
29 substantive change.

30 Article 15. South Laguna Beach Marine Life Refuge

31 **§ 60075. Description**

32 60075. The following constitutes a marine life refuge and shall be designated as  
33 the South Laguna Beach Marine Life Refuge:

34 That portion of District 2625 consisting of land and ocean waters bounded by a  
35 line commencing at the intersection of the line of mean high tide of the Pacific  
36 Ocean and a line which bears South 48° 50' 00" West from the most westerly  
37 point of Lot 75 of Tract No. 702, as that tract is shown on a map recorded in Book  
38 21, pages 1 to 3, Miscellaneous Maps, on file in the Office of the County Recorder

1 of Orange County; thence running South 48° 50' 00" West approximately 600 feet  
2 to the minus 20 foot mean lower low water contour; thence southeasterly and  
3 generally parallel to the shoreline to the northerly boundary of the Niguel Marine  
4 Life Refuge; thence North 35° 57' 06" East to the line of mean high tide of the  
5 Pacific Ocean; thence northwesterly along the line of mean high tide of the Pacific  
6 Ocean to the point of beginning.

7 **Comment.** Section 60075 continues former Fish and Game Code Section 10906 without  
8 substantive change.

9 **§ 60080. Take of fish in refuge**

10 60080. (a) In the South Laguna Beach Marine Life Refuge, the following fish,  
11 mollusks, and crustaceans may be taken under the authority of a sportfishing  
12 license as authorized by this code: abalone, lobster, rockfish (Scorpaenidae),  
13 greenling, ling cod, cabezon, yellowtail, mackerel, bluefin tuna, kelp bass, spotted  
14 sand bass, barred sand bass, sargo, croaker, queenfish, corbina, white seabass,  
15 opaleye, halfmoon, surfperch (Embiotocidae), blacksmith, barracuda, sheephead,  
16 bonito, California halibut, sole, turbot, and sanddab.

17 (b) Fin fish shall be taken only by hook and line or by spearfishing gear.

18 (c) All other fish and forms of aquatic life are protected and may not be taken  
19 without a written permit from the department.

20 **Comment.** Section 60080 continues former Fish and Game Code Section 10664, as it relates to  
21 the South Laguna Beach Marine Refuge without substantive change.

22 **TITLE 7. QUAIL REFUGES**

23 **CHAPTER 1. QUAIL REFUGES GENERALLY**

24 **§ 60200. Prohibition**

25 60200. (a) Except under a permit or specific authorization, it is unlawful to take  
26 or possess a quail in a quail refuge.

27 (b) The punishment for a violation of this section is a fine of not more than two  
28 thousand dollars (\$2,000), imprisonment in a county jail for not more than one  
29 year, or both the fine and imprisonment.

30 **Comment.** Subdivision (a) of Section 60200 continues former Fish and Game Code Section  
31 10500(e) without substantive change.

32 Subdivision (b) continues former Fish and Game Code Section 12002(b)(6) without  
33 substantive change.

1

## CHAPTER 2. SPECIFIC QUAIL REFUGES

2

### Article 1. General Provisions

3

#### § 60225. Described areas

4

60225. The areas described in this chapter are quail refuges.

5

**Comment.** Section 60225 continues former Fish and Game Code Section 10880 without substantive change.

6

7

### Article 2. Bolinas Quail Refuge

8

#### § 60250. Description

9

60250. The following constitutes a quail refuge and shall be designated the Bolinas Quail Refuge: All that area within the County of Marin, within the following boundaries:

10

11

Beginning at a point on the southeasterly line of the lands of Ludwig B. Freudenthal, as the same is described in Book 158 of official records on page 261, of Marin County records, and at a point which is 20 feet above mean high tide of the Pacific Ocean, and running thence northeasterly and northwesterly along the southeasterly line of said Ludwig B. Freudenthal tract to a point on the southerly line of the “Mesa Road,” thence northeasterly and along the southerly line of Mesa Road to the westerly line of the road leading from the Town of Bolinas to Sausalito, thence southeasterly and along the southerly line of the county road leading through the Town of Bolinas to the landing wharf at the entrance of Bolinas Bay, and 20 feet above mean high tide, thence southwesterly, westerly and northwesterly along a line which is 20 feet above mean high tide to the point of beginning.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

**Comment.** Section 60250 continues former Fish and Game Code Section 10881 without substantive change.

26

## TITLE 8. CLAM REFUGES

27

### CHAPTER 1. CLAM REFUGES GENERALLY

28

#### § 60300. Prohibition

29

60300. (a) Except under a permit or specific authorization, it is unlawful to take or possess a clam or an instrument or apparatus capable of being used to dig clams in a clam refuge.

30

31

32

(b) The punishment for a violation of this section is a fine of not more than two thousand dollars (\$2,000), imprisonment in a county jail for not more than one year, or both the fine and imprisonment.

33

34



1 protection while falling far short of its potential to protect and conserve living  
2 marine life and habitat.

3 (b) California’s extraordinary marine biological diversity is a vital asset to the  
4 state and nation. The diversity of species and ecosystems found in the state’s  
5 ocean waters is important to public health and well-being, ecological health, and  
6 ocean-dependent industry.

7 (c) Coastal development, water pollution, and other human activities threaten the  
8 health of marine habitat and the biological diversity found in California’s ocean  
9 waters. New technologies and demands have encouraged the expansion of fishing  
10 and other activities to formerly inaccessible marine areas that once recharged  
11 nearby fisheries. As a result, ecosystems throughout the state’s ocean waters are  
12 being altered, often at a rapid rate.

13 (d) Fish and other sea life are a sustainable resource, and fishing is an important  
14 community asset. MPAs and sound fishery management are complementary  
15 components of a comprehensive effort to sustain marine habitats and fisheries.

16 (e) Understanding of the impacts of human activities and the processes required  
17 to sustain the abundance and diversity of marine life is limited. The designation of  
18 certain areas as sea life reserves can help expand our knowledge by providing  
19 baseline information and improving our understanding of ecosystems where  
20 minimal disturbance occurs.

21 (f) Marine life reserves are an essential element of an MPA system because they  
22 protect habitat and ecosystems, conserve biological diversity, provide a sanctuary  
23 for fish and other sea life, enhance recreational and educational opportunities,  
24 provide a reference point against which scientists can measure changes elsewhere  
25 in the marine environment, and may help rebuild depleted fisheries.

26 (g) Despite the demonstrated value of marine life reserves, only 14 of the  
27 220,000 square miles of combined state and federal ocean water off California, or  
28 six-thousandths of 1 percent, are set aside as genuine no take areas.

29 (h) For all of the above reasons, it is necessary to modify the existing collection  
30 of MPAs to ensure that they are designed and managed according to clear,  
31 conservation-based goals and guidelines that take full advantage of the multiple  
32 benefits that can be derived from the establishment of marine life reserves.

33 **Comment.** Section 60405 continues former Fish and Game Code Section 2851 without  
34 substantive change.

35 **§ 60410. Definitions**

36 60410. The following definitions govern the construction of this part:

37 (a) “Adaptive management,” with regard to marine protected areas, means a  
38 management policy that seeks to improve management of biological resources,  
39 particularly in areas of scientific uncertainty, by viewing program actions as tools  
40 for learning. Actions shall be designed so that, even if they fail, they will provide  
41 useful information for future actions, and monitoring and evaluation shall be

1 emphasized so that the interaction of different elements within marine systems  
2 may be better understood.

3 (b) “Biogeographical regions” refers to the following oceanic or near shore  
4 areas, seaward from the mean high tide line or the mouth of coastal rivers, with  
5 distinctive biological characteristics, unless the team establishes an alternative set  
6 of boundaries:

7 (1) The area extending south from Point Conception.

8 (2) The area between Point Conception and Point Arena.

9 (3) The area extending north from Point Arena.

10 (c) “Marine protected area” or “MPA” means a named, discrete geographic  
11 marine or estuarine area seaward of the mean high tide line or the mouth of a  
12 coastal river, including any area of intertidal or subtidal terrain, together with its  
13 overlying water and associated flora and fauna that has been designated by law,  
14 administrative action, or voter initiative to protect or conserve marine life and  
15 habitat. An MPA includes marine life reserves and other areas that allow for  
16 specified commercial and recreational activities, including fishing for certain  
17 species but not others, fishing with certain practices but not others, and kelp  
18 harvesting, provided that these activities are consistent with the objectives of the  
19 area and the goals and guidelines of this part. MPAs are primarily intended to  
20 protect or conserve marine life and habitat, and are therefore a subset of marine  
21 managed areas (MMAs), which are broader groups of named, discrete geographic  
22 areas along the coast that protect, conserve, or otherwise manage a variety of  
23 resources and uses, including living marine resources, cultural and historical  
24 resources, and recreational opportunities.

25 (d) “Marine life reserve,” for the purposes of this part, means a marine protected  
26 area in which all extractive activities, including the taking of marine species, and,  
27 at the discretion of the commission and within the authority of the commission,  
28 other activities that upset the natural ecological functions of the area, are  
29 prohibited. While, to the extent feasible, the area shall be open to the public for  
30 managed enjoyment and study, the area shall be maintained to the extent  
31 practicable in an undisturbed and unpolluted state.

32 (e) “Team” means the master plan team convened pursuant to subdivision (b) of  
33 Section 2855.

34 **Comment.** Subdivisions (a) through (d) of Section 60410 continue former Fish and Game  
35 Code Section 2852 without substantive change.

36 Subdivision (e) is new.

### 37 § 60415. Ocean Protection Council authority

38 60415. Notwithstanding any other law and consistent with the authority granted  
39 under Section 60450, commencing on July 1, 2013, the Ocean Protection Council  
40 shall assume responsibility for the direction of policy of marine protected areas  
41 (MPAs).

1     **Comment.** Section 60415 continues former Fish and Game Code Section 2850.5 without  
2 substantive change.

3     **§ 60420. Consultation with United States Navy**

4     60420. The department shall confer as necessary with the United States Navy  
5 regarding issues related to its activities.

6     **Comment.** Section 60420 continues former Fish and Game Code Section 2863 without  
7 substantive change.

8                                   **TITLE 2. PROTECTIONS**

9     **§ 60450. Take of fish in MPA or marine life reserve**

10     60450. (a) The commission may regulate commercial and recreational fishing  
11 and any other taking of marine species in MPAs.

12     (b) Notwithstanding any other provision of this code, the taking of a marine  
13 species in a marine life reserve is prohibited for any purpose, including  
14 recreational and commercial fishing, except that the commission may authorize  
15 the taking of a marine species for scientific purposes, consistent with the purposes  
16 of this part, under a scientific collecting permit issued by the department.

17     **Comment.** Section 60450 continues former Fish and Game Code Section 2860 without  
18 substantive change.

19     **§ 60455. Impact analysis**

20     60455. The department, in evaluating proposed projects with potential adverse  
21 impacts on marine life and habitat in MPAs, shall highlight those impacts in its  
22 analysis and comments related to the project and shall recommend measures to  
23 avoid or fully mitigate any impacts that are inconsistent with the goals and  
24 guidelines of this part or the objectives of the MPA.

25     **Comment.** Section 60455 continues former Fish and Game Code Section 2862 without  
26 substantive change.

27                                   **TITLE 3. MARINE LIFE PROTECTION**  
28   **PROGRAM**

29     **§ 60475. Marine Life Protection Program**

30     60475. (a) The Legislature finds and declares that there is a need to reexamine  
31 and redesign California's MPA system to increase its coherence and its  
32 effectiveness at protecting the state's marine life, habitat, and ecosystems.

33     (b) To improve the design and management of that system, the commission,  
34 pursuant to Section 60520, shall adopt a Marine Life Protection Program, which  
35 shall have all of the following goals:

36     (1) To protect the natural diversity and abundance of marine life, and the  
37 structure, function, and integrity of marine ecosystems.

1 (2) To help sustain, conserve, and protect marine life populations, including  
2 those of economic value, and rebuild those that are depleted.

3 (3) To improve recreational, educational, and study opportunities provided by  
4 marine ecosystems that are subject to minimal human disturbance, and to manage  
5 these uses in a manner consistent with protecting biodiversity.

6 (4) To protect marine natural heritage, including protection of representative and  
7 unique marine life habitats in California waters for their intrinsic value.

8 (5) To ensure that California’s MPAs have clearly defined objectives, effective  
9 management measures, and adequate enforcement, and are based on sound  
10 scientific guidelines.

11 (6) To ensure that the state’s MPAs are designed and managed, to the extent  
12 possible, as a network.

13 **Comment.** Section 60475 continues former Fish and Game Code Section 2853(a)-(b) without  
14 substantive change.

15 **§ 60480. Program elements**

16 60480. The Marine Life Protection Program may include areas with various  
17 levels of protection, and shall include all of the following elements:

18 (a) An improved marine life reserve component consistent with the guidelines in  
19 subdivision (c) of Section 60525.

20 (b) Specific identified objectives, and management and enforcement measures,  
21 for all MPAs in the system.

22 (c) Provisions for monitoring, research, and evaluation at selected sites to  
23 facilitate adaptive management of MPAs and ensure that the system meets the  
24 goals stated in this part.

25 (d) Provisions for educating the public about MPAs, and for administering and  
26 enforcing MPAs in a manner that encourages public participation.

27 (e) A process for the establishment, modification, or abolishment of existing  
28 MPAs or new MPAs established pursuant to this program, that involves interested  
29 parties, consistent with paragraph (7) of subdivision (b) of Section 12100, and that  
30 facilitates the designation of MPAs consistent with the master plan adopted  
31 pursuant to Section 60500.

32 **Comment.** Section 60480 continues former Fish and Game Code Section 2853(c) without  
33 substantive change.

34 **TITLE 4. MASTER PLAN**

35 **§ 60500. Master plan**

36 60500. (a) The commission shall adopt a master plan that guides the adoption  
37 and implementation of the Marine Life Protection Program adopted pursuant to  
38 Title 3 (commencing with Section 60475) and decisions regarding the siting of  
39 new MPAs and major modifications of existing MPAs. The plan shall be based on  
40 the best readily available science.

1 (b)(1) The department shall prepare, or by contract shall cause to be prepared, a  
2 master plan in accordance with this subdivision. In order to take full advantage of  
3 scientific expertise on MPAs, the department shall convene a master plan team to  
4 advise and assist in the preparation of the master plan, or hire a contractor with  
5 relevant expertise to assist in convening the team.

6 (2) The team members convened pursuant to this subdivision shall have  
7 expertise in marine life protection and shall be knowledgeable about the use of  
8 protected areas as a marine ecosystem management tool. The members shall also  
9 be familiar with underwater ecosystems found in California waters, with the  
10 biology and habitat requirements of major species groups in the state’s marine  
11 waters, and with water quality and related issues.

12 (3) The team shall be composed of the following individuals:

13 (A) Staff from the department, the Department of Parks and Recreation, and the  
14 State Water Resources Control Board, to be designated by each of those  
15 departments.

16 (B) Five to seven members who shall be scientists, one of whom may have  
17 expertise in the economics and culture of California coastal communities.

18 (C) One member, appointed from a list prepared by Sea Grant marine advisers,  
19 who shall have direct expertise with ocean habitat and sea life in California marine  
20 waters.

21 (4) The master plan shall be prepared with the advice, assistance, and  
22 involvement of participants in the various fisheries and their representatives,  
23 marine conservationists, marine scientists, and other interested persons. In  
24 preparing the master plan, the department shall confer, to the extent feasible, with  
25 the commission, the Pacific Fishery Management Council, the National Marine  
26 Fisheries Service, the United States Navy, the United States Geological Survey’s  
27 national biological survey, staff from national marine sanctuaries off California,  
28 Sea Grant researchers, marine advisers, and national parks personnel.

29 (5) The department may engage other experts to contribute to the master plan,  
30 including scientists, geographic information system (GIS) experts, and commercial  
31 and recreational fishermen, divers, and other individuals knowledgeable about the  
32 state’s underwater ecosystems, the history of fishing effort or MPA management,  
33 or other relevant subjects.

34 (c) The department and team, in carrying out this part, shall take into account  
35 relevant information from local communities, and shall solicit comments and  
36 advice for the master plan from interested parties on issues including, but not  
37 necessarily limited to, each of the following:

38 (1) Practical information on the marine environment and the relevant history of  
39 fishing and other resources use, areas where fishing is currently prohibited, and  
40 water pollution in the state’s coastal waters.

41 (2) Socioeconomic and environmental impacts of various alternatives.

42 (3) Design of monitoring and evaluation activities.

1 (4) Methods to encourage public participation in the stewardship of the state’s  
2 MPAs.

3 **Comment.** Section 60500 continues former Fish and Game Code Section 2855 without  
4 substantive change.

5 **§ 60505. Content of master plan**

6 60505. (a) The department and team shall use the best readily available  
7 scientific information in preparing the master plan adopted pursuant to Section  
8 60500, and shall organize the location-specific contents, where feasible, by  
9 biogeographical region. In preparing the plan, the department and team shall use  
10 and build upon the findings of the Sea Grant survey of protected areas in  
11 California waters, which is entitled “California’s Marine Protected Areas,” the  
12 report of the State Interagency Marine Managed Areas Workgroup, the  
13 Department of Parks and Recreation’s planning information and documents  
14 regarding existing and potential underwater parks and reserves, maps and other  
15 information from the department’s marine nearshore ecosystem mapping project,  
16 and other relevant planning and scientific materials.

17 (b) The master plan shall include all of the following components:

18 (1) Recommendations for the extent and types of habitat that should be  
19 represented in the MPA system and in marine life reserves. Habitat types  
20 described on maps shall include, to the extent possible using existing information,  
21 rocky reefs, intertidal zones, sandy or soft ocean bottoms, underwater pinnacles,  
22 sea mounts, kelp forests, submarine canyons, and seagrass beds.

23 (2) An identification of select species or groups of species likely to benefit from  
24 MPAs, and the extent of their marine habitat, with special attention to marine  
25 breeding and spawning grounds, and available information on oceanographic  
26 features, including current patterns, upwelling zones, and other factors that  
27 significantly affect the distribution of those fish or shellfish and their larvae.

28 (3) Recommendations to augment or modify the guidelines in subdivision (c) of  
29 Section 60525, if necessary to ensure that the guidelines reflect the most up-to-  
30 date science, including, for example, recommendations regarding the minimum  
31 size of individual marine life reserves needed to accomplish the various goals set  
32 forth in Sections 60475 and 60480.

33 (4) Recommended alternative networks of MPAs, including marine life reserves  
34 in each biogeographical region that are capable of achieving the goals in Sections  
35 60475 and 60480 and designed according to the guidelines in subdivision (c) of  
36 Section 2857.

37 (5) A simplified classification system, which shall be consistent with the goals  
38 of Sections 60475 and 60480 and the guidelines in subdivision (c) of Section  
39 60525, and which may include protections for specific habitats or species, if no  
40 system that meets these specifications has already been developed.

1 (6) Recommendations for a preferred siting alternative for a network of MPAs  
2 that is consistent with the goals in Sections 60475 and 60480 and the guidelines in  
3 subdivision (c) of Section 60525.

4 (7) An analysis of the state’s current MPAs, based on the preferred siting  
5 alternative, and recommendations as to whether any specific MPAs should be  
6 consolidated, expanded, abolished, reclassified, or managed differently so that,  
7 taken as a group, the MPAs best achieve the goals of Sections 60475 and 60480  
8 and conform to the guidelines in subdivision (c) of Section 60525.

9 (8) Recommendations for monitoring, research, and evaluation in selected areas  
10 of the preferred alternative, including existing and long-established MPAs, to  
11 assist in adaptive management of the MPA network, taking into account existing  
12 and planned research and evaluation efforts.

13 (9) Recommendations for management and enforcement measures for the  
14 preferred alternative that apply systemwide or to specific types of sites and that  
15 would achieve the goals of this part.

16 (10) Recommendations for improving the effectiveness of enforcement  
17 practices, including, to the extent practicable, the increased use of advanced  
18 technology surveillance systems.

19 (11) Recommendations for funding sources to ensure all MPA management  
20 activities are carried out and the Marine Life Protection Program is implemented.

21 (c) The team shall, as necessary, identify and define additional appropriate  
22 components of the master plan as soon as possible after enactment of this section.

23 **Comment.** Section 60505 continues former Fish and Game Code Section 2856 without  
24 substantive change.

25 **§ 60510. Workgroup actions**

26 60510. The workgroup shall, after appropriate consultation with members of the  
27 public, determine future actions for implementing the recommendations of its final  
28 report.

29 **Comment.** Section 60510 continues former Fish and Game Code Section 2854 without  
30 substantive change.

31  **Note.** Existing Section 2854 uses the term “workgroup” without any prior use of the term in  
32 nearby provisions. Consequently, it’s meaning is not clear. Does the provision refer to the “State  
33 Interagency Marine Managed Areas Workgroup” that is mentioned in Section 2856?

34 **The Commission invites Comment on how to clarify the meaning of Section 2854.**

35 **§ 60515. Peer review**

36 60515. The department shall establish a process for external peer review of the  
37 scientific basis for the master plan prepared pursuant to Section 60500. The peer  
38 review process may be based, to the extent practicable, on the peer review process  
39 described in Section 12205.

40 **Comment.** Section 60515 continues former Fish and Game Code Section 2858 without  
41 substantive change.

1 § 60520. Adoption of master plan

2 60520. (a) On or before January 1, 2005, the department shall submit to the  
3 commission a draft of the master plan prepared pursuant to this part.

4 (b) On or before April 1, 2005, after public review, not less than three public  
5 meetings, and appropriate modifications of the draft plan, the department shall  
6 submit a proposed final master plan to the commission.

7 (c) On or before December 1, 2005, the commission shall adopt a final master  
8 plan and a Marine Life Protection Program with regulations based on the plan and  
9 shall implement the program, to the extent funds are available. The commission's  
10 adoption of the plan and a program based on the plan shall not trigger an  
11 additional review under the California Environmental Quality Act (Division 13  
12 commencing with Section 21000) of the Public Resources Code).

13 (d) The commission shall hold at least two public hearings on the master plan  
14 and the Marine Life Protection Program prior to adopting the plan and program.  
15 The commission may adopt the plan and the program immediately following the  
16 second public hearing or at any duly noticed subsequent meeting.

17 (e) Upon the commission's adoption of the program, the commission shall  
18 submit the master plan and program description, including marine life reserve and  
19 other MPA designations, to the Joint Committee on Fisheries and Aquaculture for  
20 review and comment.

21 (f) Upon receipt of the plan, the joint committee shall have 60 days to review the  
22 plan and to submit written recommendations to the commission regarding the plan  
23 and program. The joint committee shall only submit a recommendation to the  
24 commission if a majority of the members agree to that recommendation. The  
25 commission shall consider all recommendations submitted by the joint committee,  
26 and may amend the program to incorporate the recommendations. If the  
27 commission does not incorporate any recommendations submitted by the joint  
28 committee, the commission shall set forth, in writing, its reasons for not  
29 incorporating that recommendation.

30 **Comment.** Section 60520 continues former Fish and Game Code Section 2859 without  
31 substantive change.

32 **Note.** Existing Section 2859 sets deadlines for the preparation and adoption of a master plan  
33 that are more than 10 years in the past. **The Commission invites comment on whether any part**  
34 **of Section 2859 should be repealed as obsolete.**

35 § 60525. MPA siting

36 60525. (a) On or before July 1, 2001, the department shall convene, in each  
37 biogeographical region and to the extent practicable near major working harbors,  
38 siting workshops, composed of interested parties, to review the alternatives for  
39 MPA networks and to provide advice on a preferred siting alternative. The  
40 department and team shall develop a preferred siting alternative that incorporates  
41 information and views provided by people who live in the area and other  
42 interested parties, including economic information, to the extent possible while

1 maintaining consistency with the goals of Sections 60475 and 60480 and  
2 guidelines in subdivision (c) of this section.

3 (b) The preferred alternative may include MPAs that will achieve either or both  
4 of the following objectives:

5 (1) Protection of habitat by prohibiting potentially damaging fishing practices or  
6 other activities that upset the natural ecological functions of the area.

7 (2) Enhancement of a particular species or group of species, by prohibiting or  
8 restricting fishing for that species or group within the MPA boundary.

9 (c) The preferred siting alternative shall include MPA networks with an  
10 improved marine life reserve component, and shall be designed according to each  
11 of the following guidelines:

12 (1) Each MPA shall have identified goals and objectives. Individual MPAs may  
13 serve varied primary purposes while collectively achieving the overall goals and  
14 guidelines of this part.

15 (2) Marine life reserves in each bioregion shall encompass a representative  
16 variety of marine habitat types and communities, across a range of depths and  
17 environmental conditions.

18 (3) Similar types of marine habitats and communities shall be replicated, to the  
19 extent possible, in more than one marine life reserve in each biogeographical  
20 region.

21 (4) Marine life reserves shall be designed, to the extent practicable, to ensure  
22 that activities that upset the natural ecological functions of the area are avoided.

23 (5) The MPA network and individual MPAs shall be of adequate size, number,  
24 type of protection, and location to ensure that each MPA meets its objectives and  
25 that the network as a whole meets the goals and guidelines of this part.

26 (d) The department and team, in developing the preferred siting alternative, shall  
27 take into account the existence and location of commercial kelp beds.

28 (e) The department and team may provide recommendations for phasing in the  
29 new MPAs in the preferred siting alternative.

30 **Comment.** Section 60525 continues former Fish and Game Code Section 2857 without  
31 substantive change.

32 **Note.** Existing Section 2857(a) sets a deadline for certain actions that is more than 15 years in  
33 the past. **The Commission invites comment on whether any part of Section 2857 should be**  
34 **repealed as obsolete.**

35 **§ 60530. Petitions of interested persons**

36 60530. The commission shall, annually until the master plan is adopted and  
37 thereafter at least every three years, receive, consider, and promptly act upon  
38 petitions from any interested party, to add, delete, or modify MPAs, favoring those  
39 petitions that are compatible with the goals and guidelines of this part.

40 **Comment.** Section 60530 continues former Fish and Game Code Section 2861(a) without  
41 substantive change.

1    **§ 60535. Other authority**

2       60535. (a) Nothing in this part restricts any existing authority of the department  
3       or the commission to make changes to improve the management or design of  
4       existing MPAs or designate new MPAs prior to the completion of the master plan.

5       (b) The commission may abbreviate the master plan process to account for  
6       equivalent activities that have taken place before enactment of this part, providing  
7       that those activities are consistent with this part.

8       **Comment.** Section 60535 continues former Fish and Game Code Section 2861(b) without  
9       substantive change.

10                                    **PART 3. MARINE MANAGED AREAS**

11    **§ 60550. Designation, deletion, or modification of marine recreational management areas**

12       60550. (a) The commission may designate, delete, or modify state marine  
13       recreational management areas established by the commission for hunting  
14       purposes, state marine reserves, and state marine conservation areas, as delineated  
15       in subdivision (a) of Section 36725 of the Public Resources Code.

16       (b) The commission shall consult with, and secure concurrence from, the State  
17       Park and Recreation Commission prior to modifying or deleting marine reserves  
18       and marine conservation areas designated by the State Park and Recreation  
19       Commission. The commission shall not delete or modify state marine recreational  
20       management areas designated by the State Park and Recreation Commission.

21       **Comment.** Section 60550 continues former Fish and Game Code Section 1590 without  
22       substantive change.

23    **§ 60555. Marine Managed Areas Improvement Act**

24       60555. (a) The Marine Managed Areas Improvement Act (Chapter 7  
25       (commencing with Section 36600) of Division 27 of the Public Resources Code)  
26       establishes a uniform classification system for state marine managed areas and is  
27       incorporated herein by reference. Any proposals for marine protected areas made  
28       after January 1, 2002, shall follow the guidelines set forth in that act. Pursuant to  
29       Section 36750 of the Public Resources Code, all marine protected areas in  
30       existence and not reclassified in accordance with the Marine Life Protection Act  
31       (Part 2 (commencing with Section 60400)) on January 1, 2002, shall be  
32       reclassified by the State Interagency Coordinating Committee established pursuant  
33       to Section 36800 of the Public Resources Code into one of the following  
34       classifications:

- 35       (1) State marine reserve.
- 36       (2) State marine park.
- 37       (3) State marine conservation area.

38       (b) State marine recreational management areas established by the commission  
39       for hunting purposes, state marine reserves, and state marine conservation areas  
40       shall be designated, deleted, or modified by the commission pursuant to that act.

1 The restrictions and allowable uses applicable to those areas are as set forth in that  
2 act.

3 **Comment.** Section 60555 continues former Fish and Game Code Section 1591 without  
4 substantive change.

5 PART 4. WILDLIFE MANAGEMENT AREAS, GAME FARMS, AND  
6 PUBLIC SHOOTING GROUNDS

7 TITLE 1. GENERAL PROVISIONS

8 **§ 60600. Department powers**

9 60600. For the purposes of propagating, feeding and protecting birds, mammals,  
10 and fish, and establishing wildlife management areas or public shooting grounds  
11 the department, with the approval of the commission, may do all of the following:

12 (a) Accept, on behalf of the state, donations of birds, mammals, and fish, and of  
13 money given or appropriated. Those donations shall be used for the purposes for  
14 which they are accepted, and, as nearly as may be, for any purpose indicated by  
15 the donor.

16 (b) Acquire, by purchase, lease, rental or otherwise, and occupy, develop,  
17 maintain, use and administer, land, or land and nonmarine water, or land and  
18 nonmarine water rights, suitable for state game farms, wildlife management areas,  
19 or public shooting grounds.

20 **Comment.** Section 60600 continues former Fish and Game Code Section 1525 without  
21 substantive change.

22 **§ 60605. State ownership and regulation**

23 60605. Any property acquired for wildlife management areas or public shooting  
24 grounds shall be acquired in the name of the state, and shall, at all times, be  
25 subject to any rules and regulations that may be prescribed from time to time by  
26 the commission for the occupation, use, operation, protection, and administration  
27 of the property as wildlife management areas or public shooting grounds.

28 **Comment.** Section 60605 continues former Fish and Game Code Section 1526 without  
29 substantive change.

30 **§ 60610. Acquired property**

31 60610. (a) The department shall do all things necessary to secure a valid title in  
32 the state to the property acquired for wildlife management areas or public shooting  
33 grounds but no payment shall be made therefor until the title is satisfactory to the  
34 Attorney General, and is vested in the state.

35 (b) The acquisition of the property by the state is not prohibited by reason of  
36 rights of way, easements, or reservations that, from their nature, in the opinion of  
37 the department, will in no manner interfere with the use of the property for the  
38 purpose for which it is acquired.



1       **Comment.** Section 60660 continues the third sentence of former Fish and Game Code Section  
2 1528 without substantive change.

3       **§ 60665. Fees for use privileges**

4       60665. Except as provided in Section 56080, and to defray the costs associated  
5 with multiple use, the commission may determine and fix the amount of, and the  
6 department shall collect, fees for any use privileges. However, tours by organized  
7 youth and school groups are exempt from the payment of those fees.

8       **Comment.** Section 60665 continues the fourth and fifth sentences of former Fish and Game  
9 Code Section 1528 without substantive change.

10       **§ 60670. Shooting permits**

11       60670. Only persons holding valid hunting licenses may apply for or obtain  
12 shooting permits for public shooting grounds, state marine (estuarine) recreational  
13 management areas, or wildlife management areas.

14       **Comment.** Section 60670 continues the sixth sentence of former Fish and Game Code Section  
15 1528 without substantive change.

16       **§ 60675. Output of state game farm**

17       60675. The output of any state game farm shall be distributed on public lands or  
18 where the department determines that the output will receive adequate protection  
19 and be most likely to thrive and multiply.

20       **Comment.** Section 60675 continues former Fish and Game Code Section 1529 without  
21 substantive change.

22       **§ 60680. Payments to offset local taxes and assessments**

23       60680. (a) When income is derived directly from real property acquired and  
24 operated by the state as a wildlife management area, and regardless of whether  
25 income is derived from property acquired after October 1, 1949, the department  
26 may pay annually to the county in which the property is located an amount equal  
27 to the county taxes levied upon the property at the time title to the property was  
28 transferred to the state. The department may also pay the assessments levied upon  
29 the property by any irrigation, drainage, or reclamation district.

30       (b) Any delinquent penalties or interest applicable to any of those assessments  
31 made before September 9, 1953, are hereby canceled and shall be waived.

32       (c) Payments provided by this section shall only be made from funds that are  
33 appropriated to the department for the purposes of this section.

34       (d) Any payment made under this section shall be made on or before December  
35 10 of each year, with the exception of newly acquired property for which  
36 payments shall be made pursuant to subdivision (e).

37       (e) Any payments made for the purposes of this section shall be made within one  
38 year of the date title to the property was transferred to the state, or within 90 days  
39 from the date of designation as a wildlife management area, whichever occurs  
40 first, prorated for the balance of the year from the date of designation as a wildlife

1 management area to the 30th day of June following the date of designation as a  
2 wildlife management area, and, thereafter, payments shall be made on or before  
3 December 10 of each year.

4 (f) Notwithstanding any other law, payments provided under this section shall  
5 not be allocated to a school district, a community college district, or a county  
6 superintendent of schools.

7 **Comment.** Section 60680 continues former Fish and Game Code Section 1504(a)-(c), (e)-(g)  
8 without substantive change.

9 **§ 60685. Mosquitos**

10 60685. (a) For purposes of this section, the following definitions apply:

11 (1) “Managed wetland habitat” means artificially irrigated and intensively  
12 managed wetland habitat administered primarily for the benefit of waterfowl and  
13 other wetland-dependent species.

14 (2) “Best management practices” means management strategies jointly  
15 developed by the department, the State Department of Public Health, and  
16 mosquito abatement and vector control districts, in consultation with the Central  
17 Valley Habitat Joint Venture, for the ecological control of mosquitoes on managed  
18 wetland habitat.

19 (3) “Mosquito abatement and vector control district” has the same meaning as  
20 “district,” as that term is defined in subdivision (f) of Section 2002 of the Health  
21 and Safety Code.

22 (b) A mosquito abatement and vector control district whose district boundaries  
23 include one or more wildlife management areas or a mosquito abatement and  
24 vector control district in which vectors and vectorborne diseases from a wildlife  
25 management area may enter the district shall periodically, or at least semiannually,  
26 notify the department of those areas that are of concern due to the potential for  
27 high mosquito populations that may incur associated mosquito control costs.

28 (c)(1) To reduce mosquito production at those wildlife management areas  
29 described in subdivision (b), the department shall consult with local mosquito  
30 abatement and vector control districts to identify those areas within wildlife  
31 management areas having the highest need for additional mosquito reduction  
32 through the implementation of best management practices.

33 (2) If the wetland occupies land outside the jurisdictional boundaries of a  
34 mosquito abatement and vector control district, the department may consult with  
35 the State Department of Public Health to determine which best management  
36 practices can be implemented in the absence of an organized local mosquito  
37 control program.

38 (d) This section does not affect existing authority of a mosquito abatement and  
39 vector control district under Section 2040 of the Health and Safety Code.

40 **Comment.** Section 60685 continues former Fish and Game Code Section 1506 without  
41 substantive change, except that Section 1506(a)(3) is continued in Section 810.

1 **Note.** Existing Section 1506(b)(3) provides: “‘Mosquito abatement and vector control  
2 district’ has the same meaning as set forth in subdivision (f) of Section 2002 of the Health and  
3 Safety Code.” Health and Safety Code Section 2002(f) does not define the term “mosquito  
4 abatement and vector control district.” Instead, it defines the term “district” to mean: “any  
5 mosquito abatement and vector control district created pursuant to this chapter or any of its  
6 statutory predecessors.” Proposed Section 60685(a)(3) has been revised to more accurately reflect  
7 the effect of Health and Safety Code Section 2002(f). **The Commission invites comment on  
8 whether that revision would cause any problems.**

9 **PART 5. WILDLIFE AREAS, RANGES, AND RESERVES**

10 **§ 60700. Exchange or sale of property within specified areas**

11 60700. (a) The department may, with the approval of the commission and the  
12 Department of General Services, take any of the following actions with regard to  
13 the areas listed in subdivision (d):

14 (1) Exchange any property lying within the boundaries of a listed area for  
15 property that is within or contiguous to that area.

16 (2) Sell any property within the boundaries of a listed area and use the proceeds  
17 to acquire property that is within or contiguous to that area.

18 (b) No exchange or sale of property authorized in subdivision (a) shall  
19 materially reduce the total area of any area listed in subdivision (d).

20 (c) A copy of each deed of conveyance executed and delivered by the  
21 department, and of each deed conveying lands to the state, pursuant to this section  
22 shall be delivered to the State Lands Commission.

23 (d) The provisions of this section apply to all of the following areas:

24 (1) The Doyle Deer Winter Range, located in Lassen County.

25 (2) The Tehama Deer Winter Range, located in Tehama County.

26 (3) The Honey Lake Waterfowl Management Area, located in Lassen County.

27 (4) The Imperial Waterfowl Management Area, located in Imperial County.

28 (5) The Mendota Waterfowl Management Area, located in Fresno County.

29 (6) The San Jacinto Wildlife Area, located in Riverside County.

30 (7) The Lakes Earl/Talawa Wildlife Area, located in Del Norte County.

31 (8) The Santa Rosa Mountains Bighorn Sheep Reserve, located in Riverside  
32 County.

33 (9) The Camp Cady Wildlife Area, located in San Bernardino County.

34 (10) The Butte Valley Wildlife Area, located in Siskiyou County.

35 (11) The Ash Creek Wildlife Area, located in Lassen and Modoc Counties.

36 (12) The Moss Landing Wildlife Area, located in Monterey County.

37 **Comment.** Section 60700 restates former Fish and Game Code Section 1500 without  
38 substantive change.

39 **Note.** Proposed Section 60700(a)-(c) would restate the first paragraph of existing Section  
40 1500 to improve its clarity, without changing its substantive effect. The existing provision reads  
41 as follows:

1 “The department may, with the approval of the commission and the Department of General  
2 Services, exchange any portion of the property lying within the boundaries of any area or range  
3 referred to in this section for any property within or contiguous to such area or range or may sell  
4 any portion of the property within such boundaries and with the proceeds thereof acquire any  
5 property within or contiguous to such area or range; provided, that no exchange or sale of  
6 property authorized in this section shall materially reduce the total area of any range or area  
7 referred to in this section. A copy of each deed of conveyance executed and delivered by the  
8 department, and of each deed conveying lands to the state, pursuant to this section shall be  
9 delivered to the State Lands Commission.”

10 **The Commission invites comment on whether that restatement would cause any problems.**

11 **§ 60705. Mineral rights**

12 60705. (a) The following rules govern an exchange or sale of property pursuant  
13 to Section 60700:

14 (1) If a parcel contains 15 acres or less, the director shall except and reserve to  
15 the state all mineral deposits below a depth of 500 feet, without surface rights of  
16 entry.

17 (2) If a parcel contains more than 15 acres, the director shall except and reserve  
18 to the state all mineral deposits together with the right to prospect for, mine, and  
19 remove the deposits. The rights to prospect for, mine, and remove shall be limited  
20 to those areas of the property conveyed that the director, after consultation with  
21 the State Lands Commission, determines to be reasonably necessary for the  
22 removal of the resources and deposits.

23 (b) For the purposes of this section, the mineral deposits reserved to the state are  
24 those described in Section 6407 of the Public Resources Code.

25 **Comment.** Section 60705 restates former Fish and Game Code Section 1500.5 without  
26 substantive change.

27 **Note.** Proposed Section 60705 would restate existing Section 1500.5 to improve its clarity,  
28 without changing its substantive effect. The existing provision reads as follows:

29 “With respect to exchanging or selling any property pursuant to Section 1500, the director, with  
30 respect to any parcel containing 15 acres or less, shall except and reserve to the state all mineral  
31 deposits, as defined in Section 6407 of the Public Resources Code, below a depth of 500 feet,  
32 without surface rights of entry. As to any parcel containing more than 15 acres, the director shall  
33 except and reserve to the state all mineral deposits, as defined in Section 6407 of the Public  
34 Resources Code, together with the right to prospect for, mine, and remove the deposits.”

35 **The Commission invites comment on whether that restatement would cause any problems.**

36 **§ 60710. Apiculture in wildlife area**

37 60710. (a) The department shall do both of the following:

38 (1) Consider authorizing apiculture on department-managed wildlife areas,  
39 where deemed appropriate by the department.

40 (2) Determine, when developing or amending its land management plans, the  
41 following:

1 (A) If the department-managed wildlife areas, or any portion of the those areas,  
2 are suitable for apiculture and whether apiculture is consistent with the  
3 management goals and objectives for those areas on a temporary, seasonal, or  
4 long-term basis.

5 (B) If the administration of apiculture on department-managed wildlife areas,  
6 where deemed appropriate by the department, is meeting the management goals  
7 and objectives for those areas.

8 (C) The appropriate fee and lease rent to be assessed for conducting apiculture  
9 on department-managed wildlife areas. The amount of the fee shall be sufficient to  
10 recover, but not exceed, all reasonable administrative and implementation costs of  
11 the department. The lease rent shall take into account whether the lease is a  
12 nonexclusive use of the land.

13 (b) The department, in implementing this section, may consult with apiculture  
14 experts, including, but not limited to, the Department of Food and Agriculture, the  
15 University of California, other academic or professional experts, and interested  
16 stakeholders, when considering authorizing apiculture on department-managed  
17 wildlife areas consistent with the respective management goals and objectives for  
18 those areas.

19 (c) Moneys collected for conducting apiculture on department-managed wildlife  
20 areas pursuant to subparagraph (C) of paragraph (2) of subdivision (a) shall be  
21 deposited by the department into the Wildlife Restoration Fund and, upon  
22 appropriation by the Legislature, be used to support the management,  
23 maintenance, restoration, and operation of department-managed wildlife areas.

24 (d) The department may authorize the temporary placement of beehives on  
25 department-managed wildlife areas through simple lease or permit agreements  
26 specifying appropriate conditions. These agreements are not subject to competitive  
27 bidding requirements.

28 (e) The department may continue any authorization for apiculture on  
29 department-managed areas that it granted before January 1, 2015, without taking  
30 further action.

31 **Comment.** Section 60710 continues former Fish and Game Code Section 1745.2 without  
32 substantive change.

33 **§ 60715. Lower Sherman Island**

34 60715. (a) The department, upon request of the leaseholder, shall extend any  
35 existing lease for a recreational homesite on Lower Sherman Island to the holder  
36 of any lease of lands under the control of the department, under the following  
37 conditions:

38 (1) The existing lease is between the department and an individual person,  
39 partnership, or any affiliated group of two or more persons.

40 (2) Subject to subdivision (e), the lease may be extended for the natural life of  
41 the person who is the leaseholder on January 1, 1991. With respect to any lease to

1 an affiliated group or an association of persons, the lease shall expire upon the  
2 death of the last individual who is a leaseholder on January 1, 1991.

3 (3) The lease, or any interest therein, may not be transferred, bequeathed,  
4 hypothecated, encumbered, sublet, assigned, sold, alienated, exchanged, or  
5 otherwise changed to the benefit of another party. The leaseholder shall annually  
6 certify to the department that he or she has not transferred, bequeathed,  
7 hypothecated, encumbered, sublet, assigned, sold, alienated, or exchanged the  
8 lease for consideration or by gift, or otherwise.

9 (4) If a lease is violated or breached by the leaseholder at any time during the  
10 life of the leaseholder, the lease may be terminated by the department within 30  
11 days of the receipt by the department of actual or constructive notice of the breach.

12 (b) All leases entered into pursuant to this section shall include the following:

13 (1) A requirement for public access to navigable waters adjacent to the lease  
14 properties.

15 (2) A provision prohibiting the introduction and cultivation of exotic plant  
16 species and requiring existing exotic plant species to be removed according to a  
17 plan developed by the department.

18 (3) A provision establishing the right of the department and county employees to  
19 inspect the property for the purposes of monitoring and enforcing the conditions of  
20 the lease.

21 (4) A provision requiring the lessee, within 60 days after the lease is extended,  
22 and annually thereafter, to provide the department with proof that (A) the lessee  
23 will remove the buildings and all ancillary structures and facilities necessary to  
24 return the area to a natural condition, or (B) the lessee has made arrangements for  
25 the removal of the buildings and all ancillary structures and facilities necessary to  
26 return the area to a natural condition, upon termination of the lease.

27 (c) The department shall develop a plan for the removal of nonnative plants  
28 from the island. The plan shall include, at a minimum, the following:

29 (1) The type and location of nonnative plants.

30 (2) The relative threat that these plants pose to the natural environment of the  
31 island.

32 (3) A time schedule for the leaseholders to remove the nonnative plants within  
33 200 yards of the leaseholders' structures.

34 (d) Proceeds from the leases of lands under the control of the department on  
35 Lower Sherman Island shall be deposited in the Fish and Game Preservation Fund  
36 and used for the purpose of enforcing and monitoring those lease terms and  
37 managing the Lower Sherman Island Wildlife area.

38 (e) The department shall, on or before July 31, 1991, and annually thereafter,  
39 review all leases of land subject to subdivision (a) under the control of the  
40 department and, as soon as possible, charge the fair market rate on those leases of  
41 land.

42 **Comment.** Section 60715 continues former Fish and Game Code Section 1526.4 without  
43 substantive change.

1    **§ 60720. Fish and wildlife enhancement facilities**

2       60720. If the Department of Parks and Recreation contracts with the federal  
3 government pursuant to Public Law 89-161 for the administration of recreation  
4 development or fish and wildlife enhancement facilities, as authorized by Section  
5 5006.6 of the Public Resources Code, the Department of Fish and Wildlife is  
6 authorized to operate, maintain, and replace those facilities designated as fish and  
7 wildlife enhancement facilities and to assume all costs of that operation,  
8 maintenance, and replacement, subject to appropriation of funds by the  
9 Legislature.

10    **Comment.** Section 60720 continues former Fish and Game Code Section 1014 without  
11 substantive change.

12                                    **PART 6. ECOLOGICAL RESERVES**

13                                    **TITLE 1. ECOLOGICAL RESERVES**

14                                    **GENERALLY**

15    **§ 60750. Legislative declaration**

16       60750. The Legislature hereby declares that the policy of the state is to protect  
17 threatened or endangered native plants, wildlife, or aquatic organisms or  
18 specialized habitat types, both terrestrial and nonmarine aquatic, or large  
19 heterogeneous natural gene pools for the future use of mankind through the  
20 establishment of ecological reserves.

21    **Comment.** Section 60750 continues the first sentence of former Fish and Game Code Section  
22 1580 without substantive change.

23    **§ 60755. “Ecological reserve” defined**

24       60755. As used in this part, “ecological reserve” means land or land and water  
25 areas that are designated as an ecological reserve by the commission pursuant to  
26 Section 60760 and that are to be preserved in a natural condition, or which are to  
27 be provided some level of protection as determined by the commission, for the  
28 benefit of the general public to observe native flora and fauna and for scientific  
29 study or research.

30    **Comment.** Section 60755 continues former Fish and Game Code Section 1584 without  
31 substantive change.

32    **§ 60760. Acquisition of property**

33       60760. (a) For the purpose of establishing ecological reserves, the department,  
34 with the approval of the commission, may obtain, accept on behalf of the state,  
35 acquire, or control, by purchase, lease, easement, gift, rental, memorandum of  
36 understanding, or otherwise, and occupy, develop, maintain, use, and administer  
37 land, or land and nonmarine water, or land and nonmarine water rights, suitable  
38 for the purpose of establishing ecological reserves.

1 (b) Any property obtained, accepted, acquired, or controlled by the department  
2 pursuant to this part may be designated by the commission as an ecological  
3 reserve.

4 **Comment.** Section 60760 continues the second and third sentences of former Fish and Game  
5 Code Section 1580 without substantive change.

6 **§ 60765. Regulation of ecological reserves**

7 60765. The commission may adopt regulations for the occupation, utilization,  
8 operation, protection, enhancement, maintenance, and administration of ecological  
9 reserves.

10 **Comment.** Section 60765 continues the fourth sentence of former Fish and Game Code  
11 Section 1580 without substantive change.

12 **§ 60770. Ownership and regulation of property**

13 60770. Any property acquired in fee for ecological reserves shall be acquired in  
14 the name of the state, and shall, at all times, be subject to any rules and regulations  
15 that may be prescribed from time to time by the commission for the occupation,  
16 use, operation, protection, and administration of the property as ecological  
17 reserves.

18 **Comment.** Section 60770 continues former Fish and Game Code Section 1581 without  
19 substantive change.

20 **§ 60775. Valid title to acquired property**

21 60775. The department shall do all things necessary to secure a valid title in the  
22 state to the property acquired in fee for ecological reserves but no payment shall  
23 be made therefor until the title is vested in and satisfactory to the state. No such  
24 land will be acquired by eminent domain.

25 **Comment.** Section 60775 continues former Fish and Game Code Section 1582 without  
26 substantive change.

27 **§ 60780. Prohibited entry**

28 60780. Except in accordance with the regulations of the commission it is  
29 unlawful to enter upon any ecological reserves established under the provisions of  
30 this part, or to take therein any bird or the nest or eggs thereof, or any mammal,  
31 fish, mollusk, crustacean, amphibian, reptile or any other form of plant or animal  
32 life.

33 **Comment.** Section 60780 continues former Fish and Game Code Section 1583 without  
34 substantive change.

35 **§ 60785. Facilities and programs**

36 60785. (a) Notwithstanding Section 60750, which sets forth the primary  
37 purposes of ecological reserves, the department may construct facilities and  
38 conduct programs in ecological reserves it selects to provide natural history

1 education and recreation if those facilities and programs are compatible with the  
2 protection of the biological resources of the reserve.

3 (b) As provided in Sections 56030 and 56080, the department may control  
4 access, use, and collect fees for selected ecological reserves.

5 **Comment.** Section 60785 continues former Fish and Game Code Section 1585 without  
6 substantive change.

7 **§ 60790. Ecological reserves not wildlife management areas**

8 60790. The ecological reserves shall not be classified as wildlife management  
9 areas pursuant to Section 60680 and shall be exempt from Section 60680.

10 **Comment.** Section 60790 continues the fifth sentence of former Fish and Game Code Section  
11 1580 without substantive change.

12 **TITLE 2. SPECIFIC ECOLOGICAL RESERVES**

13 **§ 60850. Upper Newport Bay Ecological Reserve Maintenance and Preservation Fund**

14 60850. (a) The Upper Newport Bay Ecological Reserve Maintenance and  
15 Preservation Fund is hereby created in the State Treasury.

16 (b) Notwithstanding Section 13340 of the Government Code, the money in the  
17 fund is continuously appropriated, without regard to fiscal years, to the department  
18 for purposes related to the maintenance and preservation of the Upper Newport  
19 Bay Ecological Reserve.

20 **Comment.** Section 60850 continues former Fish and Game Code Section 1586 without  
21 substantive change.

22 **§ 60855. Magnesia Spring Ecological Reserve**

23 60855. (a) The Mirage Trail within the Magnesia Spring Ecological Reserve  
24 shall be open nine months of the year during the months of May to January,  
25 inclusive, and closed for three months during the months of February to April,  
26 inclusive, to recreational hiking if the commission determines that all of the  
27 following conditions are met:

28 (1) Local public agencies or other nonstate entities will assume complete  
29 financial responsibility for the following as determined to be necessary by the  
30 commission:

31 (A) Fencing to dissuade hikers from traversing beyond the trail and into  
32 sensitive Peninsular bighorn sheep habitat.

33 (B) Signage and educational materials to educate hikers about Peninsular  
34 bighorn sheep.

35 (2) A single entity has been designated to fulfill the financial arrangements and  
36 other terms and conditions determined by the commission to be necessary  
37 pursuant to paragraph (1).

38 (3) The entity designated pursuant to paragraph (2) has committed to expend at  
39 least one hundred thousand dollars (\$100,000) by January 1, 2018, to monitor the

1 Peninsular bighorn sheep, consistent with the Coachella Valley Multiple Species  
2 Habitat Conservation Plan.

3 (b) This section shall remain in effect only until January 1, 2018, and as of that  
4 date is repealed, unless a later enacted statute, that is enacted before January 1,  
5 2018, deletes or extends that date.

6 **Comment.** Section 60855 continues former Fish and Game Code Section 1587 without  
7 substantive change.

## 8 PART 7. PROTECTED SPAWNING AREAS

### 9 § 60900. Protected spawning areas

10 60900. (a) The department may manage, control, and protect the portions of the  
11 following spawning areas that occupy state-owned lands, to the extent necessary to  
12 protect fishlife in these areas:

13 (1) The Sacramento River between Keswick and Squaw Hill Bridge, near Vina.

14 (2) The Feather River between Oroville and the mouth of Honcut Creek.

15 (3) The Yuba River between Englebright Dam and a point approximately four  
16 miles east of Marysville.

17 (4) The American River between Nimbus Dam and a point one mile downstream  
18 from Arden Way.

19 (5) The Mokelumne River between Pardee Dam and Lockeford.

20 (6) The Stanislaus River between Goodwin Dam and Riverbank.

21 (7) The Tuolumne River between La Grange Dam and the Geer Road (J14)  
22 Bridge.

23 (8) The Merced River between Crocker Huffman Dam and Cressey.

24 (9) The Trinity River between Lewiston Dam and the confluence of the North  
25 Fork Trinity, near Helena.

26 (10) The Eel River, from Fort Seward to Lake Pillsbury.

27 (11) The South Fork Eel River.

28 (12) The Middle Fork Smith River, from its mouth to Knopti Creek.

29 (13) The South Fork Smith River, from its mouth to Harrington Creek.

30 (14) The Salmon River, from its mouth to Rush Creek on the South Fork  
31 Salmon River, to Carter Meadow on the east fork of the South Fork Salmon River,  
32 and to Finley Camp on the North Fork Salmon River.

33 (15) Battle Creek, from its mouth to Coleman Powerhouse.

34 (16) The Cosumnes River, from Meiss Road Bridge to Latrobe Road Bridge.

35 (17) The Van Duzen River, from Yager Creek to the falls 1½ miles above  
36 Bloody Run Creek.

37 (18) The Mad River, from Blue Lake Bridge to Bug Creek.

38 (19) The Middle Fork Eel River.

39 (20) The Mattole River.

40 (21) The Noyo River.

41 (22) The Big River, Mendocino County.

1 (23) The Gualala River.

2 (24) The Garcia River, Mendocino County.

3 (b) In the event of a conflict between an action of the department pursuant to  
4 this section and the action of another department or agency of the state or another  
5 public agency, the action of the Department of Fish and Wildlife taken pursuant to  
6 this section shall prevail, except in the event of conflict with the following actions:

7 (1) An action of the state or regional water quality control boards in establishing  
8 waste discharge requirements.

9 (2) An action required for commerce and navigation.

10 (3) An action by a public agency that is reasonably necessary for bridge  
11 crossings, water conservation or utilization, or flood protection projects, including  
12 the construction, maintenance, and operation thereof. This paragraph shall not  
13 apply to the depositing of materials, other than necessary structural materials, in,  
14 or the removing of materials from the streambeds in the areas designated in this  
15 section, other than as necessary for the installation of structures.

16 (c) The director shall disapprove a stream alteration of a prime salmon or  
17 steelhead spawning area on land of which ownership has not been legally  
18 determined, when in the director's opinion the alteration would prove deleterious  
19 to fishlife.

20 **Comment.** Section 60900 continues former Fish and Game Code Section 1505 without  
21 substantive change.

## 22 PART 8. WILDERNESS AREAS

### 23 § 60950. Vehicle prohibition

24 60950. It is unlawful for any person other than a legally constituted peace officer  
25 or officer or employee of the Forest Service of the United States Department of  
26 Agriculture, the department, or of the Department of Forestry and Fire Protection,  
27 or county fish and game wardens or their duly authorized representatives, to travel  
28 by motor boat, automobile, motorcycle, or other type of motorized vehicle, or,  
29 except for emergencies and for rescue and aerial search for rescue purposes, to  
30 land an airplane, helicopter, or similar equipment, within the boundaries of a  
31 primitive, wilderness, or wild area closed to the above modes of travel as  
32 established by a duly authorized officer of the Forest Service of the United States  
33 Department of Agriculture and recorded in the office of the Regional Headquarters  
34 of the Pacific-Southwest Region of the Forest Service of the United States  
35 Department of Agriculture and with the department.

36 **Comment.** Section 60950 continues former Fish and Game Code Section 10740 without  
37 substantive change.

### 38 § 60955. Exception to vehicle prohibition

39 60955. (a) Except as provided in subdivision (b), nothing in this part prohibits  
40 access to a road or trail, in an area described in Section 60950, by a person who is

1 accessing the road or trail in order to reach land that the person lawfully possesses.  
2 A person who may lawfully access a road or trail pursuant to this subdivision may  
3 authorize another person to do the same.

4 (b) Notwithstanding subdivision (a), none of the motorized vehicles or aircraft  
5 mentioned in Section 60950 may be used by any person as a means of gaining  
6 access to the wilderness areas for the purpose of hunting or fishing. Nor shall  
7 anyone who lawfully enters a wilderness area with a motorized vehicle or aircraft  
8 fish or hunt while within that area after having entered with a motorized vehicle or  
9 aircraft.

10 **Comment.** Section 60955 restates former Fish and Game Code Section 10741 without  
11 substantive change.

12 **Note.** Proposed Section 60955 would restate Existing Section 10741 to improve its clarity,  
13 without changing its substantive effect. The existing provision reads as follows:

14 “ Nothing in this article shall be construed as prohibiting access over any road or trail in any such  
15 area to any land to which any person is entitled to possession by such person or any person  
16 authorized by him to use such road or trail as a means of access to the land; provided, that none of  
17 the motorized vehicles or aircraft mentioned in Section 10740 shall be used by any person as a  
18 means of gaining access to the wilderness areas for the purpose of hunting or fishing. Nor shall  
19 anyone having a lawful right to enter a wilderness area with a motorized vehicle or aircraft fish or  
20 hunt while within the area after having entered the area with a motorized vehicle or aircraft.”

21 **The Commission invites comment on whether the proposed restatement would cause any**  
22 **problems.**

23 DIVISION 17. ACTIVITIES THAT AFFECT WILDLIFE

24 PART 1. CALIFORNIA ENDANGERED SPECIES ACT

25 TITLE 1. GENERAL PROVISIONS

26 CHAPTER 1. SHORT TITLE AND LEGISLATIVE FINDINGS

27 **§ 62000. Short title**

28 62000. This part shall be known and may be cited as the California Endangered  
29 Species Act.

30 **Comment.** Section 62000 continues former Fish and Game Code Section 2050 without  
31 substantive change.

32 **§ 62005. Need for conservation**

33 62005. The Legislature hereby finds and declares all of the following:

34 (a) Certain species of fish, wildlife, and plants have been rendered extinct as a  
35 consequence of human activities, untempered by adequate concern and  
36 conservation.

1 (b) Other species of fish, wildlife, and plants are in danger of, or threatened  
2 with, extinction because their habitats are threatened with destruction, adverse  
3 modification, or severe curtailment, or because of overexploitation, disease,  
4 predation, or other factors.

5 (c) These species of fish, wildlife, and plants are of ecological, educational,  
6 historical, recreational, esthetic, economic, and scientific value to the people of  
7 this state, and the conservation, protection, and enhancement of these species and  
8 their habitat is of statewide concern.

9 **Comment.** Section 62005 continues former Fish and Game Code Section 2051 without  
10 substantive change.

11 **§ 62010. General policy**

12 62010. The Legislature further finds and declares that it is the policy of the state  
13 to conserve, protect, restore, and enhance any endangered species or any  
14 threatened species and its habitat and that it is the intent of the Legislature,  
15 consistent with conserving the species, to acquire lands for habitat for these  
16 species.

17 **Comment.** Section 62010 continues former Fish and Game Code Section 2052 without  
18 substantive change.

19 **§ 62015. Scope of required mitigation**

20 62015. The Legislature further finds and declares that if any provision of this  
21 part requires a person to provide mitigation measures or alternatives to address a  
22 particular impact on a candidate species, threatened species, or endangered  
23 species, the measures or alternatives required shall be roughly proportional in  
24 extent to any impact on those species that is caused by that person. Where various  
25 measures or alternatives are available to meet this obligation, the measures or  
26 alternatives required shall maintain the person's objectives to the greatest extent  
27 possible consistent with this section. All required measures or alternatives shall be  
28 capable of successful implementation. This section governs the full extent of  
29 mitigation measures or alternatives that may be imposed on a person pursuant to  
30 this part. This section shall not affect the state's obligations set forth in Section  
31 62010.

32 **Comment.** Section 62015 continues former Fish and Game Code Section 2052.1 without  
33 substantive change.

34 **§ 62020. Project approval and alternatives**

35 62020. (a) The Legislature further finds and declares that it is the policy of the  
36 state that state agencies should not approve projects as proposed that would  
37 jeopardize the continued existence of any endangered species or threatened species  
38 or result in the destruction or adverse modification of habitat essential to the  
39 continued existence of those species, if there are reasonable and prudent

1 alternatives available consistent with conserving the species or its habitat that  
2 would prevent jeopardy.

3 (b) Furthermore, it is the policy of this state and the intent of the Legislature that  
4 reasonable and prudent alternatives shall be developed by the department, together  
5 with the project proponent and the state lead agency, consistent with conserving  
6 the species, while at the same time maintaining the project purpose to the greatest  
7 extent possible.

8 **Comment.** Section 62020 continues former Fish and Game Code Section 2053 without  
9 substantive change.

10 **§ 62025. Mitigation and enhancement in lieu of infeasible alternatives**

11 62025. The Legislature further finds and declares that, in the event specific  
12 economic, social, or other conditions make alternatives infeasible, individual  
13 projects may be approved if appropriate mitigation and enhancement measures are  
14 provided.

15 **Comment.** Section 62025 continues former Fish and Game Code Section 2054 without  
16 substantive change.

17 **§ 62030. Duty of state entities**

18 62030. The Legislature further finds and declares that it is the policy of this state  
19 that all state agencies, boards, and commissions shall seek to conserve endangered  
20 species and threatened species and shall utilize their authority in furtherance of the  
21 purposes of this part.

22 **Comment.** Section 62030 continues former Fish and Game Code Section 2055 without  
23 substantive change.

24 **§ 62035. Cooperation of landowners**

25 62035. The Legislature further finds and declares that the cooperation of the  
26 owners of land that is identified as habitat for endangered species and threatened  
27 species is essential for the conservation of those species and that it is the policy of  
28 this state to foster and encourage that cooperation in furtherance of the purposes of  
29 this part. Therefore, a landowner of property on which an endangered, threatened,  
30 or candidate species lives shall not be liable for civil damages for injury to  
31 employees of, or persons under contract with, the department if the injury occurs  
32 while those persons are conducting survey, management, or recovery efforts with  
33 respect to those species.

34 **Comment.** Section 62035 continues former Fish and Game Code Section 2056 without  
35 substantive change.

36 **CHAPTER 2. DEFINITIONS**

37 **§ 62100. Application**

38 62100. The definitions in this chapter govern the construction of this part.

1       **Comment.** Section 62100 continues former Fish and Game Code Section 2060 without  
2 substantive change.

3       **§ 62105. Candidate species**

4       62105. “Candidate species” means a native species or subspecies of a bird,  
5 mammal, fish, amphibian, reptile, or plant that the commission has formally  
6 noticed as being under review by the department for addition to either the list of  
7 endangered species or the list of threatened species, or a species for which the  
8 commission has published a notice of proposed regulation to add the species to  
9 either list.

10       **Comment.** Section 62105 continues former Fish and Game Code Section 2068 without  
11 substantive change.

12       **§ 62110. Conserve, conserving, and conservation**

13       62110. “Conserve,” “conserving,” and “conservation” mean to use, and the use  
14 of, all methods and procedures that are necessary to bring any endangered species  
15 or threatened species to the point at which the measures provided pursuant to this  
16 part are no longer necessary. These methods and procedures include, but are not  
17 limited to, all activities associated with scientific resources management, such as  
18 research, census, law enforcement, habitat acquisition, restoration and  
19 maintenance, propagation, live trapping, and transplantation, and, in the  
20 extraordinary case where population pressures within a given ecosystem cannot be  
21 otherwise relieved, may include regulated taking.

22       **Comment.** Section 62110 continues former Fish and Game Code Section 2061 without  
23 substantive change.

24       **§ 62115. Endangered species**

25       62115. (a) “Endangered species” means a native species or subspecies of a bird,  
26 mammal, fish, amphibian, reptile, or plant that is in serious danger of becoming  
27 extinct throughout all, or a significant portion, of its range due to one or more  
28 causes, including loss of habitat, change in habitat, overexploitation, predation,  
29 competition, or disease.

30       (b) Any species determined by the commission as “endangered” on or before  
31 January 1, 1985, is an “endangered species.”

32       **Comment.** Section 62115 continues former Fish and Game Code Section 2062 without  
33 substantive change.

34       **§ 62120. Feasible**

35       62120. “Feasible” means feasible as defined in Section 21061.1 of the Public  
36 Resources Code.

37       **Comment.** Section 62120 continues former Fish and Game Code Section 2063 without  
38 substantive change.

1    **§ 62125. Project**

2       62125. “Project” means project as defined in Section 21065 of the Public  
3 Resources Code.

4       **Comment.** Section 62125 continues former Fish and Game Code Section 2064 without  
5 substantive change.

6    **§ 62130. State lead agency**

7       62130. “State lead agency” means the state agency, board, or commission that is  
8 a lead agency under the California Environmental Quality Act (Division 13  
9 (commencing with Sec. 21000) of the Public Resources Code).

10      **Comment.** Section 62130 continues former Fish and Game Code Section 2065 without  
11 substantive change.

12    **§ 62135. Threatened species**

13       62135. (a) “Threatened species” means a native species or subspecies of a bird,  
14 mammal, fish, amphibian, reptile, or plant that, although not presently threatened  
15 with extinction, is likely to become an endangered species in the foreseeable  
16 future in the absence of the special protection and management efforts required by  
17 this part.

18       (b) Any animal determined by the commission as “rare” on or before January 1,  
19 1985, is a “threatened species.”

20      **Comment.** Section 62135 continues former Fish and Game Code Section 2067 without  
21 substantive change.

22                                    **TITLE 2. LISTING OF ENDANGERED AND**  
23                                    **THREATENED SPECIES**

24                                    **CHAPTER 1. GENERAL PROVISIONS**

25    **§ 62200. Establishment and maintenance of lists**

26       62200. (a) The commission shall establish a list of endangered species and a list  
27 of threatened species.

28       (b) The commission shall add or remove species from either list if it finds, upon  
29 the receipt of sufficient scientific information pursuant to this title, that the action  
30 is warranted.

31      **Comment.** Section 62200 continues former Fish and Game Code Section 2070 without  
32 substantive change.

33    **§ 62205. Criteria**

34       62205. The department shall recommend, and the commission shall adopt,  
35 criteria for determining if a species is endangered or threatened.

36      **Comment.** Section 62205 continues former Fish and Game Code Section 2071.5 without  
37 substantive change.



1 (c) The petition shall also include information regarding the kind of habitat  
2 necessary for species survival, a detailed distribution map, and any other factors  
3 that the petitioner deems relevant.

4 **Comment.** Section 62260 continues former Fish and Game Code Section 2072.3 without  
5 substantive change.

6 **§ 62265. Referral of petition to department**

7 62265. Within 10 days of the receipt of a petition from an interested person  
8 under Section 62260, the commission shall refer the petition to the department.

9 **Comment.** Section 62265 continues former Fish and Game Code Section 2073 without  
10 substantive change.

11 **§ 62270. Publication of notice of petition**

12 62270. (a) The commission shall publish a notice in the California Regulatory  
13 Notice Register of the receipt of a petition prepared pursuant to Section 62260 by  
14 the department, or by an interested party and referred to the department, pursuant  
15 to Section 62265, or the commencement of an evaluation, to add a species to,  
16 remove a species from, or change the status of a species on, the list of endangered  
17 species or the list of threatened species pursuant to Section 62275.

18 (b) At a minimum, the notice shall include all of the following:

19 (1) The scientific and common name of the species.

20 (2) Habitat type, if that information is available in the petition.

21 (3) The location where interested persons can submit information to the  
22 department relating to the petitioned species.

23 (c) The commission shall notify interested persons pursuant to Section 62210,  
24 by mail, of the notices prepared pursuant to subdivision (a), and shall mail a copy  
25 of the notice to those persons.

26 **Comment.** Section 62270 continues former Fish and Game Code Section 2073.3 without  
27 substantive change.

28 **§ 62275. Department-initiated petition**

29 62275. (a) The department may, in the absence of a petition from an interested  
30 party, recommend to the commission that it add a species to, or remove a species  
31 from, either the list of endangered species or the list of threatened species.

32 (b) If it makes a recommendation under this section, the department shall  
33 include the information specified in Section 62260.

34 (c) A department recommendation under this section shall be considered by the  
35 commission as a petition with a departmental recommendation to accept and  
36 consider as described in subdivision (b) of Section 62280, and is subject to  
37 Sections 62350 to 62525, inclusive.

38 **Comment.** Section 62275 continues former Fish and Game Code Section 2072.7 without  
39 substantive change.

1    **§ 62280. Department evaluation and recommendation**

2       62280. (a) Within 90 days of receipt of a petition, the department shall evaluate  
3 the petition on its face and in relation to other relevant information the department  
4 possesses or receives, and submit to the commission its written evaluation report  
5 with one of the following recommendations to the commission:

6       (1) Based upon the information contained in the petition, there is not sufficient  
7 information to indicate that the petitioned action may be warranted, and the  
8 petition should be rejected.

9       (2) Based upon the information contained in the petition, there is sufficient  
10 information to indicate that the petitioned action may be warranted, and the  
11 petition should be accepted and considered.

12       (b) Upon the request of the director, the commission may grant the department  
13 an extension of time, not to exceed 30 days, to allow the department additional  
14 time to further analyze and evaluate the petition and complete its evaluation  
15 report.

16       (c) The department's evaluation report shall include copies of, or a list of, all  
17 information submitted to the department pursuant to subdivision (a) of Section  
18 62285 during its evaluation of the petition. If copies are not included, the report  
19 shall state where the listed information is available for review.

20       **Comment.** Section 62280 continues former Fish and Game Code Section 2073.5 without  
21 substantive change.

22    **§ 62285. Public input during evaluation**

23       62285. (a) A person may submit information to the department relating to the  
24 petitioned species during the evaluation of the petition pursuant to Section 62280.  
25 The information shall relate to the matters identified in Section 62260.

26       (b) Within 10 days after receiving information pursuant to subdivision (a), the  
27 department shall notify the petitioner regarding its content.

28       **Comment.** Section 62285 continues former Fish and Game Code Section 2073.4 without  
29 substantive change.

30    **§ 62290. Amendment of petition**

31       62290. (a) A petitioner may amend a petition at any time prior to the beginning  
32 of the meeting held by the commission pursuant to Section 62350.

33       (b) If the commission determines that an amendment is substantive, the  
34 commission shall resubmit the petition to the department for review pursuant to  
35 Section 62280, publish notice of the amendment pursuant to Section 62270, and  
36 renote or continue any hearing scheduled pursuant to Section 62350 in order to  
37 provide adequate opportunity for public comment.

38       **Comment.** Section 62290 continues former Fish and Game Code Section 2073.7 without  
39 substantive change.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

## Article 2. Public Hearing and Meeting

### § 62350. Scheduling

62350. The commission shall schedule a petition for consideration at its next available meeting, but not sooner than 30 days after receipt of the petition and public release of the evaluation report, and distribute its pending agenda to interested persons pursuant to Section 62210. The commission also shall make the petition, evaluation report, and other materials received available for review.

**Comment.** Section 62350 continues former Fish and Game Code Section 2074 without substantive change.

### § 62355. Public hearing

62355. At the meeting scheduled pursuant to Section 62350, the commission shall hold a public hearing on the petition and shall receive information, written or otherwise, and oral testimony.

**Comment.** Section 62355 continues the first sentence of former Fish and Game Code Section 2074.2(a) without substantive change.

### § 62360. Closure of public hearing and record

62360. (a) After the conclusion of oral testimony from the commission and department staff, the petitioner, or any other persons, the commission may close the public hearing and administrative record for the commission’s decision pursuant to this section.

(b) After the commission closes the public hearing, the administrative record for the commission’s decision is closed and it shall not be reopened except as provided in Section 62365.

(c) Once the public hearing is closed, no person shall submit further information to the commission for consideration on that petition and the commission shall not accept any further information for consideration on that petition except as provided in Section 62365.

**Comment.** Subdivision (a) of Section 62360 continues the second sentence of former Fish and Game Code Section 2074.2(a) without substantive change.

Subdivisions (b) and (c) continue former Fish and Game Code Section 2074.2(b) without substantive change.

### § 62365. Reopening administrative record

62365. The administrative record for the commission’s decision pursuant to Section 62360 shall not be reopened once the commission closes the public hearing unless one of the following occurs prior to the commission’s decision:

(a) There is a change in state or federal law or regulation that has a direct and significant impact on the commission’s determination as to whether the petition provides sufficient information to indicate that the petitioned action may be warranted.

1 (b) The commission determines that it requires further information to evaluate  
2 whether the petition provides sufficient information to indicate that the petitioned  
3 action may be warranted. If the commission makes that determination during its  
4 deliberation, the commission may request, on the record at the scheduled meeting  
5 or at a continued meeting, further information on any issue relevant to making its  
6 determination as to whether the petition provides sufficient information to indicate  
7 that the petitioned action may be warranted. Any request by the commission  
8 pursuant to this subdivision shall specify a date by which the information must be  
9 submitted to the commission and shall serve to reopen the administrative record  
10 for the limited purpose of receiving further information relating to the issues  
11 specified by the commission in the request. Commission and department staff, the  
12 petitioner, or any other person may submit information in response to a request  
13 pursuant to this subdivision. If the commission reopens the record pursuant to this  
14 section, it shall provide an opportunity for public comment on the submitted  
15 information prior to the issuance of its decision.

16 **Comment.** Section 62365 continues former Fish and Game Code Section 2074.2(c) without  
17 substantive change.

18 **§ 62370. Continuation of meeting**

19 62370. (a) In its discretion, the commission may continue a meeting on a  
20 petition to a later date, which shall be no later than 90 days after the meeting  
21 scheduled pursuant to Section 62350, and subject to applicable notice and agenda  
22 requirements.

23 (b) If the public hearing has not yet closed, the meeting shall be continued for  
24 further public hearing and then deliberations.

25 (c) If the public hearing has been closed, the meeting will be continued for the  
26 purpose of deliberation, without further public hearing. In this case, a person shall  
27 not submit, and the commission shall not receive, further information relating to  
28 the petition except as provided in Section 62365.

29 **Comment.** Section 62370 continues former Fish and Game Code Section 2074.2(d) without  
30 substantive change.

31 **Note.** Proposed Section 62370 would restate existing Section 2074.2(d) to improve its clarity,  
32 without changing its substantive effect. The existing provision reads as follows:

33 “In its discretion, the commission may either close the public hearing and continue the meeting  
34 on the petition for the purpose of deliberation or continue both the public hearing and the meeting  
35 on the petition to a subsequent date, which shall be no later than 90 days after the meeting  
36 scheduled pursuant to Section 2074, and subject to applicable notice and agenda requirements.

37 If the commission closes the public hearing but continues the meeting for the purpose of  
38 deliberation, a person shall not submit, and the commission shall not receive, further information  
39 relating to the petition except as provided in subdivision (c).”

40 **The Commission invites comment on whether that restatement would cause any problems.**



1 **Comment.** Section 62400 restates the first sentence of former Fish and Game Code Section  
2 2074.6 without substantive change.

3  **Note.** The first clause of proposed Section 62400 was added to clarify the application of the  
4 provision. **The Commission invites comment on whether that addition would cause any**  
5 **problems.**

6 **§ 62405. Timing**

7 62405. (a) Within 12 months of the date of publication of a notice of acceptance  
8 of a petition for consideration pursuant to paragraph (2) of subdivision (a) of  
9 Section 62375, the department shall produce and make publicly available on the  
10 department's Internet Web site a final written report.

11 (b) The revised report shall be posted on the department's Internet Web site for a  
12 minimum of 30 days for public review prior to the hearing scheduled pursuant to  
13 Section 62450.

14 (c) The commission may grant an extension of up to six months if the director  
15 determines an extension is necessary to complete independent peer review of the  
16 report, and to provide a minimum of 30 days for public review of the peer  
17 reviewed report prior to the public hearing specified in Section 62450.

18 **Comment.** Subdivision (a) of Section 62405 continues the first part of the second sentence of  
19 former Fish and Game Code Section 2074.6 without substantive change.

20 Subdivision (b) continues the fourth sentence of former Fish and Game Code Section 2074.6  
21 without substantive change.

22 Subdivision (c) continues the fifth sentence of former Fish and Game Code Section 2074.6  
23 without substantive change.

24 **§ 62410. Draft status review report**

25 62410. Prior to releasing a final written report, the department shall have a draft  
26 status review report prepared and independently peer reviewed. Upon receiving  
27 the peer reviewers' input, the department shall evaluate and respond in writing to  
28 the independent peer review and shall amend the draft status review report as  
29 appropriate.

30 **Comment.** Section 62410 continues the third sentence of former Fish and Game Code Section  
31 2074.6 without substantive change.

32 **§ 62415. Final report**

33 62415. The final report, which shall be based on the best scientific information  
34 available to the department, shall indicate whether the petitioned action is  
35 warranted, make a preliminary identification of the habitat that may be essential to  
36 the continued existence of the species, recommend management activities, and  
37 make other recommendations for recovery of the species.

38 **Comment.** Section 62415 restates the second part of the second sentence of former Fish and  
39 Game Code Section 2074.6 without substantive change.

1 § 62420. Scope of inquiry

2 62420. This title does not impose any duty or obligation for, or otherwise  
3 require, the commission or the department to undertake independent studies or  
4 other assessments of any species when reviewing a petition and its attendant  
5 documents and comments. However, the department shall seek independent  
6 scientific peer review of the department’s draft status review report. The director  
7 may approve an extension of time for completion of the status report if necessary  
8 for the purposes of obtaining independent peer review pursuant to this article.

9 **Comment.** Section 62420 continues former Fish and Game Code Section 2074.8 without  
10 substantive change.

11 **Notes.** (1) The second sentence of existing Section 2074.8 requires that the department’s  
12 “status report” be peer reviewed. Presumably, this refers to the “draft status review report”  
13 required by existing Section 2074.6 (proposed Section 62410). If so, that language is redundant,  
14 as Section 2074.6 already requires that the draft status review report be peer reviewed. **The**  
15 **Commission invites comment on whether that language can be deleted without causing**  
16 **problems.**

17 (2) The second sentence of existing Section 2074.8 provides that the *director* may extend the  
18 time for completion of the “status report.” Presumably, this refers to the *final* report required by  
19 existing Section 2074.6 (proposed Section 62405), because there is no deadline specified for  
20 completion of the *draft* status review report. That rule seems to be at odds with the last sentence  
21 of existing Section 2074.6 (proposed Section 62405(c)), which authorizes the *Commission* to  
22 grant an extension to the deadline for completion of the final report. **The Commission invites**  
23 **comment on whether both the director and the Commission are authorized to extend the**  
24 **time for completion of the final report.**

25 Article 4. Commission Decision

26 § 62450. Meeting

27 62450. The commission shall schedule the petition for final consideration at its  
28 next available meeting after receipt of the departmental report provided pursuant  
29 to Section 62405 and shall distribute the pending agenda for that meeting pursuant  
30 to Section 62210. The commission shall make the department’s report, or copies  
31 thereof, which was provided, pursuant to Section 62405, available for review upon  
32 request.

33 **Comment.** Section 62450 continues former Fish and Game Code Section 2075 without  
34 substantive change.

35 § 62455. Public hearing

36 62455. At the meeting scheduled pursuant to Section 62450, the commission  
37 shall hold a public hearing on the petition and shall receive information, written or  
38 otherwise, and oral testimony.

39 **Comment.** Section 62455 continues the first sentence of former Fish and Game Code Section  
40 2075.5(a) without substantive change.

1    **§ 62460. Closure of public hearing and record**

2       62460. (a) After the conclusion of oral testimony from the commission and  
3 department staff, the petitioner, or any other persons, the commission may close  
4 the public hearing and the administrative record for the commission’s decision  
5 pursuant to this section.

6       (b) After the commission closes the public hearing, the administrative record for  
7 the commission’s decision is closed and it shall not be reopened except as  
8 provided in Section 62465.

9       (c) Once the public hearing is closed, a person shall not submit further  
10 information to the commission for consideration on that petition and the  
11 commission shall not accept any further information for consideration on that  
12 petition except as provided in Section 62465.

13       **Comment.** Subdivision (a) of Section 62460 continues the second sentence of former Fish and  
14 Game Code Section 2075.5(a) without substantive change.

15       Subdivisions (b) and (c) continue former Fish and Game Code Section 2075.5(b) without  
16 substantive change.

17    **§ 62465. Reopening administrative record**

18       62465. The administrative record for the commission’s decision pursuant to  
19 Section 62475 shall not be reopened once the commission closes the public  
20 hearing unless one of the following occurs prior to the commission’s decision:

21       (a) There is a change in state or federal law or regulation that has a direct and  
22 significant impact on the commission’s determination as to whether the petitioned  
23 action is warranted.

24       (b) The commission determines that it requires further information to evaluate  
25 whether the petitioned action is warranted. If the commission makes that  
26 determination during its deliberation, the commission may request, on the record  
27 at the scheduled meeting or at a continued meeting, further information on any  
28 issue relevant to making its determination as to whether the petitioned action is  
29 warranted. Any request by the commission pursuant to this subdivision shall  
30 specify a date by which the information must be submitted to the commission and  
31 shall serve to reopen the administrative record for the limited purpose of receiving  
32 further information relating to the issues specified by the commission in the  
33 request. Commission and department staff, the petitioner, or any other person may  
34 submit information in response to a request pursuant to this subdivision.

35       **Comment.** Section 62465 continues former Fish and Game Code Section 2075.5(c) without  
36 substantive change.

37    **§ 62470. Continuation of meeting**

38       62470. (a) In its discretion, the commission may continue a meeting on a  
39 petition to a later date, which shall be no later than 90 days after the meeting  
40 scheduled pursuant to Section 62450, and subject to applicable notice and agenda  
41 requirements.

1 (b) If the public hearing has not yet closed, the meeting shall be continued for  
2 further public hearing and then deliberations.

3 (c) If the public hearing has been closed, the meeting will be continued for the  
4 purpose of deliberation, without further public hearing. In this case, a person shall  
5 not submit, and the commission shall not receive, further information relating to  
6 the petition except as provided in Section 62465.

7 **Comment.** Section 62470 continues former Fish and Game Code Section 2075.5(d) without  
8 substantive change.

9  **Note.** Proposed Section 62470 would restate existing Section 2075.5(d) to improve its  
10 clarity, without changing its substantive effect. The existing provision reads as follows:

11 “The commission, in its discretion, may either close the public hearing and continue the  
12 meeting on the petition for the purpose of deliberation or continue both the public hearing and the  
13 meeting on the petition to a subsequent date which is no later than 90 days after the meeting  
14 scheduled pursuant to Section 2075, and subject to applicable notice and agenda requirements. If  
15 the commission closes the public hearing but continues the meeting for the purpose of  
16 deliberation, a person shall not submit, and the commission shall not receive, further information  
17 relating to the petition except as provided in subdivision (c).”

18 **The Commission invites comment on whether that restatement would cause any problems.**

19 **§ 62475. Commission findings**

20 62475. At the meeting scheduled pursuant to Section 62450, or at a continued  
21 meeting scheduled pursuant to Section 62470, the commission shall make one of  
22 the following findings:

23 (a) The petitioned action is not warranted, in which case the finding shall be  
24 entered in the public records of the commission and the petitioned species shall be  
25 removed from the list of candidate species maintained pursuant to Section 62375.

26 (b) The petitioned action is warranted, in which case the commission shall  
27 publish a notice of that finding and a notice of proposed rulemaking pursuant to  
28 Section 11346.4 of the Government Code, to add the species to, or remove the  
29 species from, the list of endangered species or the list of threatened species.  
30 Further proceedings of the commission on the petitioned action shall be made in  
31 accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of  
32 Division 3 of Title 2 of the Government Code.

33 **Comment.** Section 62475 continues former Fish and Game Code Section 2075.5(e) without  
34 substantive change.

35 **§ 62480. Writ of mandate**

36 62480. A finding made pursuant to Section 62475 is subject to judicial review  
37 under Section 1094.5 of the Code of Civil Procedure.

38 **Comment.** Section 62480 continues former Fish and Game Code Section 2076 without  
39 substantive change.

40  **Note.** Existing Section 2076 provides for mandamus review of “any finding pursuant to this  
41 section.” That reference to “this section” appears to be an error, as Section 2076 does not provide

1 for any findings. The Commission believes that Section 2076 was intended to refer to the  
2 preceding provision, Section 2075.5. That would make sense, as Section 2075.5(e) provides for a  
3 final commission decision on whether to list a species as endangered or threatened. Proposed  
4 Section 62480 has been revised to refer to proposed Section 62475, which would continue  
5 existing Section 2075.5(e). **The Commission invites comment on whether that revision**  
6 **correctly captures the intended meaning of Section 2076.**

7 **§ 62485. Emergency regulation**

8 62485. (a) Notwithstanding Sections 62250 to 62475, inclusive, the commission  
9 may adopt a regulation that adds a species to the list of endangered species or to  
10 the list of threatened species as an emergency regulation pursuant to Section 1250  
11 if the commission finds that there is any emergency posing a significant threat to  
12 the continued existence of the species.

13 (b) The commission shall notify affected or interested persons of the adoption of  
14 the emergency regulation pursuant to the methods described in Section 62380.

15 **Comment.** Section 62485 continues former Fish and Game Code Section 2076.5 without  
16 substantive change.

17 Article 5. Ongoing Review

18 **§ 62500. Five-year review of listed species**

19 62500. (a) The department shall review species listed as an endangered species  
20 or as a threatened species every five years to determine if the conditions that led to  
21 the original listing are still present.

22 (b) The review shall be conducted based on information that is consistent with  
23 the information specified in Section 62260 and that is the best scientific  
24 information available to the department.

25 (c) The review shall include a review of the identification of the habitat that may  
26 be essential to the continued existence of the species and the department's  
27 recommendations for management activities and other recommendations for  
28 recovery of the species.

29 (d) The department shall notify any person who has notified the commission, in  
30 writing with their address, of their interest, and the department may notify any  
31 other person.

32 **Comment.** Section 62500 continues former Fish and Game Code Section 2077(a) without  
33 substantive change.

34 **§ 62505. Five-year review of species listed by both Commission and US Department of**  
35 **Interior**

36 62505. Review of species that are listed by both the commission and the United  
37 States Department of Interior will be conducted in conjunction with the five-year  
38 review process of the United States Department of Interior.

39 **Comment.** Section 62505 continues former Fish and Game Code Section 2077(b) without  
40 substantive change.

1    **§ 62510. Timing of initial five-year review**

2       62510. (a) Initial review of those species listed by the commission before  
3       January 1, 1982, that are not listed by the federal government shall be undertaken  
4       and completed by July 1, 1987.

5       (b) Initial review of those species listed by the commission after January 1,  
6       1982, that are not listed by the federal government shall be undertaken and  
7       completed within five years of the date the species was originally listed by the  
8       commission.

9       **Comment.** Section 62510 continues former Fish and Game Code Section 2077(c) without  
10       substantive change.

11    **§ 62515. Written report of five-year review results**

12       62515. (a) The department shall report in writing to the commission the results  
13       of its five-year review for each listed species.

14       (b) The commission shall treat any report of the department under this section  
15       that contains a recommendation to add a species to, or remove a species from, the  
16       list of endangered species or the list of threatened species as a department  
17       recommendation submitted pursuant to Section 62275.

18       **Comment.** Section 62515 continues former Fish and Game Code Section 2077(e) without  
19       substantive change.

20    **§ 62520. Discretionary review**

21       62520. Notwithstanding any other provision of this article, the commission or  
22       the department may review a species at any time based upon a petition or upon  
23       other data available to the department and the commission.

24       **Comment.** Section 62520 continues former Fish and Game Code Section 2077(d) without  
25       substantive change.

26    **§ 62525. Triennial report**

27       62525. (a) The department shall, by January 30 of every third year, beginning  
28       January 30, 1986, prepare a report summarizing the status of all state listed  
29       endangered, threatened, and candidate species, and shall post the report on the  
30       commission's Internet Web site.

31       (b) The report shall include, but not be limited to, a listing of those species  
32       designated as endangered, threatened, and candidate species, a discussion of the  
33       current status of endangered, threatened, or candidate species, and the timeframes  
34       for the review of listed species pursuant to this title.

35       **Comment.** Section 62525 continues former Fish and Game Code Section 2079 without  
36       substantive change.

1 TITLE 3. TAKE, IMPORTATION,  
2 EXPORTATION, OR SALE

3 CHAPTER 1. PROHIBITION

4 § 62600. Take, possession, purchase, or sale

5 62600. No person shall import into this state, export out of this state, or take,  
6 possess, purchase, or sell within this state, any species, or any part or product  
7 thereof, that the commission determines to be an endangered species or a  
8 threatened species, or attempt any of those acts, except as otherwise provided in  
9 this part, the Native Plant Protection Act (Title 1 (commencing with Section  
10 53800) of Part 3 of Division 14), or the California Desert Native Plants Act  
11 (Division 23 (commencing with Section 80001) of the Food and Agricultural  
12 Code).

13 **Comment.** Section 62600 continues former Fish and Game Code Section 2080 without  
14 substantive change.

15 § 62605. Candidate species

16 62605. The provisions of this title shall apply to any species designated as a  
17 candidate species under Section 62375 if notice has been given pursuant to Section  
18 62380.

19 **Comment.** Section 62605 continues former Fish and Game Code Section 2085 without  
20 substantive change.

21 CHAPTER 2. GENERAL EXCEPTIONS

22 § 62650. Take for scientific, educational, or management purposes

23 62650. The department may authorize acts that are otherwise prohibited  
24 pursuant to Section 62600, through permits or memorandums of understanding,  
25 the department may authorize individuals, public agencies, universities, zoological  
26 gardens, and scientific or educational institutions, to import, export, take, or  
27 possess any endangered species, threatened species, or candidate species for  
28 scientific, educational, or management purposes.

29 **Comment.** Section 62650 continues former Fish and Game Code Section 2081(a) without  
30 substantive change.

31 § 62655. Take of fish authorized by specified provisions

32 62655. This part does not apply to the taking of fish otherwise authorized  
33 pursuant to Part 6 (commencing with Section 14200) of Division 6 or pursuant to  
34 the provisions described in Sections 37805 and 45005.

35 **Comment.** Section 62655 continues the first clause of former Fish and Game Code Section  
36 2083 without substantive change.

1    **§ 62665. Take of fish authorized by Commission**

2       62665. The commission may authorize, subject to terms and conditions it  
3 prescribes, the taking of any candidate species, or the taking of any fish by hook  
4 and line for sport that is listed as an endangered, threatened, or candidate species.

5       **Comment.** Section 62665 continues former Fish and Game Code Section 2084 without  
6 substantive change.

7    **§ 62670. Take authorized by department**

8       62670. (a) Nothing in this part or in any other provision of law prohibits the  
9 taking or the incidental taking of any endangered, threatened, or candidate species  
10 if the taking was authorized by the department through a permit or memorandum  
11 of understanding, or in a natural communities conservation plan, habitat  
12 conservation plan, habitat management plan, or other plan or agreement approved  
13 by or entered into by the department, or in an amendment to a permit,  
14 memorandum of understanding, plan, or agreement and all of the following  
15 conditions are met:

16       (1) The application process commenced on or before April 10, 1997.

17       (2) The department approved the permit, memorandum of understanding, plan,  
18 agreement, or amendment thereto within either of the following timeframes:

19       (A) On or before April 10, 1997.

20       (B) Between April 10, 1997, and January 1, 1998, and the department also  
21 certifies that the permit, memorandum of understanding, plan, agreement, or  
22 amendment thereto meets the substantive criteria of subdivision (a) of Section  
23 62700.

24       (b) The permits, memoranda of understanding, plan, agreements, and  
25 amendments thereto described in this section are deemed to be in full force and  
26 effect, as of the date approved or entered into by the parties insofar as they  
27 authorize the take of species.

28       (c) This section does not apply to the “Emergency Management Measures  
29 Permit” issued by the department on March 15, 1995.

30       **Comment.** Section 62670 continues former Fish and Game Code Section 2081.1 without  
31 substantive change.

32    **§ 62675. Sale of organism by person who possessed it before it was listed**

33       62675. This part does not prohibit the sale of any endangered species or  
34 threatened species, or any part or product thereof, when the owner can  
35 demonstrate that the species, or part or product thereof, was in the person’s  
36 possession before the date upon which the commission listed the species as an  
37 endangered species or threatened species or as an endangered animal or rare  
38 animal prior to January 1, 1985, and shall not prohibit the sale of that part or  
39 product by an individual not normally engaged in that sale if it was originally  
40 possessed by the seller for the seller’s own use and so used by that seller.  
41 However, it shall be unlawful to sell any species, or part or product thereof, if that

1 sale would have been unlawful prior to the date upon which the commission added  
2 the species to the listing of endangered species or threatened species or to the  
3 listing of endangered animals or rare animals prior to January 1, 1985.

4 **Comment.** Section 62675 continues former Fish and Game Code Section 2082 without  
5 substantive change.

6 **§ 62680. Possession of animal possessed before it was listed**

7 62680. This part does not apply to the possession of individual animals that were  
8 lawfully possessed before the commission listed the species as an endangered  
9 species or as a threatened species or as an endangered animal or rare animal prior  
10 to January 1, 1985.

11 **Comment.** Section 62680 continues the second clause of former Fish and Game Code Section  
12 2083 without substantive change.

13 **CHAPTER 3. INCIDENTAL TAKE**

14 **§ 62700. Incidental take**

15 62700. (a) The department may authorize acts that are otherwise prohibited  
16 pursuant to Section 62600, by a permit for the take of endangered species,  
17 threatened species, and candidate species if all of the following conditions are met:

18 (1) The take is incidental to an otherwise lawful activity.

19 (2) The impacts of the authorized take shall be minimized and fully mitigated.  
20 The measures required to meet this obligation shall be roughly proportional in  
21 extent to the impact of the authorized taking on the species. Where various  
22 measures are available to meet this obligation, the measures required shall  
23 maintain the applicant's objectives to the greatest extent possible. All required  
24 measures shall be capable of successful implementation. For purposes of this  
25 section only, impacts of taking include all impacts on the species that result from  
26 any act that would cause the proposed taking.

27 (3) The permit is consistent with any regulations adopted pursuant to former  
28 Fish and Game Code Sections 2112 and 2114, as added by Chapter 974 of the  
29 Statutes of 1996.

30 (4) The applicant shall ensure adequate funding to implement the measures  
31 required by paragraph (2), and for monitoring compliance with, and effectiveness  
32 of, those measures.

33 (b) No permit may be issued pursuant to subdivision (a) if issuance of the permit  
34 would jeopardize the continued existence of the species. The department shall  
35 make this determination based on the best scientific and other information that is  
36 reasonably available, and shall include consideration of the species' capability to  
37 survive and reproduce, and any adverse impacts of the taking on those abilities in  
38 light of (1) known population trends; (2) known threats to the species; and (3)  
39 reasonably foreseeable impacts on the species from other related projects and  
40 activities.

1 (c) The department shall adopt regulations to aid in the implementation of  
2 subdivision (a) and the requirements of Division 13 (commencing with Section  
3 21000) of the Public Resources Code, with respect to authorization of take. The  
4 department may seek certification pursuant to Section 21080.5 of the Public  
5 Resources Code to implement subdivision (a).

6 **Comment.** Section 62700 continues former Fish and Game Code Section 2081(b)-(d) without  
7 substantive change.

8 **Note.** Existing Section 2081(b)(3) refers to “regulations adopted pursuant to Sections 2112  
9 and 2114.” Both of the referenced sections appear to have been repealed by the operation of  
10 former Section 2115.5. Proposed Section 62700(a)(3) would continue the effect of the cross-  
11 reference, by referring to the “former” provisions. **The Commission invites comment on  
12 whether that is the correct way to address the reference to the repealed provisions.**

13 **§ 62705. Incidental take authorized by federal entity**

14 62705. (a) Notwithstanding any other provision of this part, Title 1  
15 (commencing with Section 53800) of, or Title 2 (commencing with Section  
16 53900) of Part 3 of Division 14, but subject to subdivision (c), if any person  
17 obtains from the Secretary of the Interior or the Secretary of Commerce an  
18 incidental take statement pursuant to Section 1536 of Title 16 of the United States  
19 Code or an incidental take permit pursuant to Section 1539 of Title 16 of the  
20 United States Code that authorizes the taking of an endangered species or a  
21 threatened species that is listed pursuant to Section 1533 of Title 16 of the United  
22 States Code and that is an endangered species, threatened species, or a candidate  
23 species pursuant to this part, no further authorization or approval is necessary  
24 under this part for that person to take that endangered species, threatened species,  
25 or candidate species identified in, and in accordance with, the incidental take  
26 statement or incidental take permit, if that person does both of the following:

27 (1) Notifies the director in writing that the person has received an incidental take  
28 statement or an incidental take permit issued pursuant to the federal Endangered  
29 Species Act of 1973 (16 U.S.C.A. Sec. 1531 et seq.).

30 (2) Includes in the notice to the director a copy of the incidental take statement  
31 or incidental take permit.

32 (b) Upon receipt of the notice specified in paragraph (1) of subdivision (a), the  
33 director shall immediately have published in the General Public Interest Section of  
34 the California Regulatory Notice Register the receipt of that notice.

35 (c) Within 30 days after the director has received the notice described in  
36 subdivision (a) that an incidental take statement or an incidental take permit has  
37 been issued pursuant to the federal Endangered Species Act of 1973, the director  
38 shall determine whether the incidental take statement or incidental take permit is  
39 consistent with this part. If the director determines within that 30-day period,  
40 based upon substantial evidence, that the incidental take statement or incidental  
41 take permit is not consistent with this part, then the taking of that species may only  
42 be authorized pursuant to this part.

1 (d) The director shall immediately publish the determination pursuant to  
2 subdivision (c) in the General Public Interest Section of the California Regulatory  
3 Notice Register.

4 (e) Unless deleted or extended by a later enacted statute that is chaptered before  
5 the date this section is repealed, this section shall remain in effect only until, and is  
6 repealed on, the effective date of an amendment to Section 1536 or Section 1539  
7 of Title 16 of the United States Code that alters the requirements for issuing an  
8 incidental take statement or an incidental take permit, as applicable.

9 **Comment.** Section 62705 continues former Fish and Game Code Section 2080.1 without  
10 substantive change.

## 11 CHAPTER 4. RENEWABLE ENERGY

### 12 Article 1. Definitions

#### 13 § 63000. Application

14 63000. The definitions in this article govern the construction of this chapter.

15 **Comment.** Section 63000 generalizes the introductory clause of former Fish and Game Code  
16 Section 2069(a) without substantive change.

#### 17 § 63005. Desert Renewable Energy Conservation Plan

18 63005. “Desert Renewable Energy Conservation Plan” means the completed  
19 conservation plan in the Mojave and Colorado Desert regions adopted pursuant to  
20 the Natural Community Conservation Planning Act (Part 2 (commencing with  
21 Section 64500)), and covers the geographical area described in the Draft Planning  
22 Agreement, as amended by, and among, the department, Energy Commission,  
23 United States Bureau of Land Management, and United States Fish and Wildlife  
24 Service for the Desert Renewable Energy Conservation Plan.

25 **Comment.** Section 63005 continues former Fish and Game Code Section 2069(a)(1) without  
26 substantive change.

#### 27 § 63010. Eligible project

28 63010. “Eligible project” means a solar thermal powerplant, photovoltaic  
29 powerplant, wind powerplant, or geothermal powerplant meeting the requirements  
30 of subdivision (a) or (b) of Section 63050 or meeting the definition of a “covered  
31 activity” in the final Desert Renewable Energy Conservation Plan, as approved by  
32 the department.

33 **Comment.** Section 63010 continues former Fish and Game Code Section 2099(a)(1) and part  
34 of the first sentence of Section 2099.5(a) without substantive change.

#### 35 § 63015. Energy Commission

36 63015. “Energy Commission” means the State Energy Resources Conservation  
37 and Development Commission.



1 (2) The mitigation action is included in an interim mitigation strategy for  
2 projects that meet the requirement of Section 63050.

3 (b) An interim mitigation strategy pursuant to paragraph (2) of subdivision (a)  
4 shall be developed by the department, in consultation with the Energy  
5 Commission and, to the extent practicable, the United States Fish and Wildlife  
6 Service and the United States Bureau of Land Management, and shall include all  
7 of the following:

8 (1) A description of specific mitigation areas and specific actions on public or  
9 private land within the Desert Renewable Energy Conservation Plan planning area  
10 that are to be implemented, including a focus on habitat preservation, while also  
11 including enhancement or restoration actions that will do all of the following:

12 (A) Contribute to the conservation of each candidate species, threatened species,  
13 or endangered species for which a permit is issued.

14 (B) Adopt a regional planning perspective that provides a foundation for, or that  
15 will complement, any conservation strategy to be developed for the Desert  
16 Renewable Energy Conservation Plan.

17 (C) Implement mitigation actions within a reasonable period of time relative to  
18 the impact to the affected candidate species, threatened species, or endangered  
19 species, including, where feasible, advance mitigation. For purposes of this clause,  
20 “advance mitigation” means mitigation implemented before, and in anticipation  
21 of, future impacts to natural resources.

22 (D) Include a description of the species that would be benefited by each  
23 mitigation action and how it would be benefited.

24 (E) A cost estimate for each action, whether on public or private land, using total  
25 cost accounting, including, as applicable, land acquisition costs, conservation  
26 easement costs, monitoring costs, transaction costs, restoration costs, the amount  
27 of a perpetual endowment account for land management or easement stewardship  
28 costs by the department or other management entity, and administrative costs.

29 **Comment.** Section 63055 continues former Fish and Game Code Section 2069(c) without  
30 substantive change.

31 **§ 63065. Interim mitigation strategy**

32 63065. (a) An interim mitigation strategy shall be based on best available  
33 science and shall be reviewed by the Desert Renewable Energy Conservation Plan  
34 independent science advisers.

35 (b) The department shall seek and consider comments from the Desert  
36 Renewable Energy Conservation Plan independent science advisers in the design  
37 and location of each mitigation action implemented pursuant to this article. If the  
38 department elects to not incorporate comments of the independent science advisers  
39 into mitigation actions, the department shall explain the reasons for that decision  
40 in writing.

1 (c) The interim mitigation strategy shall be completed by the department no later  
2 than 60 days following the operative date of the act that added former Fish and  
3 Game Code Section 2069.

4 **Comment.** Section 63065 continues former Fish and Game Code Section 2069(d)-(e) without  
5 substantive change.

6 **§ 63070. Effect on specified requirements**

7 63070. This article does not modify the requirements of Section 62700,  
8 including the requirement to avoid and minimize impacts, where feasible, or the  
9 requirements of Division 13 (commencing with Section 21000) of, or Chapter 6  
10 (commencing with Section 25500) of Division 15 of, the Public Resources Code,  
11 or affect the existing authority of the department to authorize mitigation actions to  
12 comply with this part.

13 **Comment.** Section 63070 continues former Fish and Game Code Section 2069(f)(1) without  
14 substantive change.

15 **§ 63075. Limitations on specified applicants**

16 63075. (a) With respect to an applicant described in subdivision (c), the sole  
17 effect of a mitigation action described in Section 63055, and paid for through the  
18 deposit of fees as described in Article 3 (commencing with Section 63100), is to  
19 relieve the applicant of the obligation to directly take actions that are taken instead  
20 by the department or its contractor or designee pursuant to Section 63050 to meet  
21 the applicant's obligations with respect to mitigating the powerplant's impacts to  
22 species and habitat.

23 (b) The mitigation action and deposit of fees shall not relieve the applicant of  
24 any other obligation. Nor shall it relieve the Energy Commission or the lead  
25 agency of any existing requirements to analyze, avoid, minimize, or mitigate  
26 impacts to species and habitat, or make specified findings under Division 13  
27 (commencing with Section 21000) of, or Chapter 6 (commencing with Section  
28 25500) of Division 15 of, the Public Resources Code.

29 (c) This section applies to the following entities and applicants:

30 (1) With respect to the Energy Commission, an applicant seeking certification  
31 for a solar thermal or geothermal powerplant pursuant to Chapter 6 (commencing  
32 with Section 25500) of Division 15 of the Public Resources Code.

33 (2) With respect to a lead agency, as defined in Section 21067 of the Public  
34 Resources Code, in the case of an applicant seeking approval of a renewable  
35 energy powerplant not subject to the Energy Commission's jurisdiction.

36 **Comment.** Section 63075 restates former Fish and Game Code Section 2069(f)(2) without  
37 substantive change.

38 **Note.** Proposed Section 63075 would restate existing Section 2069(f)(2) to improve its  
39 clarity, without changing its substantive effect. The existing provision reads as follows:

1 “With respect to the Energy Commission, in the case of an applicant seeking certification for a  
2 solar thermal or geothermal powerplant pursuant to Chapter 6 (commencing with Section 25500)  
3 of Division 15 of the Public Resources Code, or a lead agency, as defined in Section 21067 of the  
4 Public Resources Code, in the case of an applicant seeking approval of a renewable energy  
5 powerplant not subject to the Energy Commission’s jurisdiction, the sole effect of a mitigation  
6 action described in subdivision (c), and paid for through the deposit of fees as described in  
7 Section 2099, is to relieve an applicant of the obligation to directly take actions that are taken  
8 instead by the department or its contractor or designee pursuant to subdivision (b) to meet the  
9 applicant’s obligations with respect to mitigating the powerplant’s impacts to species and habitat.  
10 The mitigation action and deposit of fees shall not relieve the applicant of any other obligation, or  
11 the Energy Commission or the lead agency of any of its existing requirements of Division 13  
12 (commencing with Section 21000) of, or the requirements of Chapter 6 (commencing with  
13 Section 25500) of Division 15 of, the Public Resources Code to analyze, avoid, minimize, or  
14 mitigate impacts to species and habitat, or make the findings required by those statutes.”

15 **The Commission invites comment on whether that restatement would cause any problems.**

16 **§ 63080. Incorporation of mitigation actions into Desert Renewable Energy Conservation**  
17 **Plan**

18 63080. The mitigation actions implemented pursuant to this article shall be  
19 incorporated into the Desert Renewable Energy Conservation Plan upon the  
20 finalization of the plan, to the extent the mitigation actions are consistent with the  
21 plan’s conservation strategy.

22 **Comment.** Section 63080 continues former Fish and Game Code Section 2069(g) without  
23 substantive change.

24 **Article 3. Implementation**

25 **§ 63100. Funding**

26 63100. (a) The Renewable Energy Resources Development Fee Trust Fund is  
27 hereby established in the State Treasury.

28 (b) Upon direction by the department, the Controller shall create any accounts or  
29 subaccounts within the fund that the department determines are necessary or  
30 convenient to facilitate management of the fund.

31 (c) The department shall collect a fee from the owner or developer of an eligible  
32 project that elects to use mitigation actions developed and approved by the  
33 department pursuant to Article 2 (commencing with Section 63050), and all  
34 moneys received for purposes of mitigation actions pursuant to Article 2  
35 (commencing with Section 63050) shall be deposited in the fund and shall be held  
36 in trust and be expended solely for the purposes of, and in conformity with, that  
37 article, applicable permit or certification requirements for eligible projects, and  
38 any contractual agreement between the Energy Commission or department and the  
39 owner or developer of an eligible project.

40 (d) The fund shall serve, and be managed, as an optional, voluntary method for  
41 developers or owners of eligible projects to deposit fees to complete mitigation  
42 actions meeting the conditions of Section 63055 and for the purpose of meeting

1 the requirements of this part or the requirements of Chapter 6 (commencing with  
2 Section 25500) of Division 15 of the Public Resources Code by funding mitigation  
3 actions implemented by the department or third parties in a contractual  
4 relationship with the department. Notwithstanding Section 13340 of the  
5 Government Code, the money in the fund is hereby continuously appropriated to  
6 the department, without regard to fiscal years, for the purposes enumerated in this  
7 article and Article 2 (commencing with Section 63050). An expenditure shall not  
8 be made from the fund except as authorized by the department.

9 (e) A developer or owner of an eligible project that elects to use mitigation  
10 actions developed and authorized by the department pursuant to Article 2  
11 (commencing with Section 63050) shall remit fees to the department for deposit  
12 into the fund for those mitigation actions in an amount that reflects the  
13 determination by the Energy Commission, with respect to a solar thermal or  
14 geothermal powerplant subject to its jurisdiction, or the department, with respect  
15 to a renewable energy powerplant not subject to the Energy Commission's  
16 jurisdiction, of the costs attributable to the mitigation actions that meet the  
17 standards of this part. The amount of fees to be paid by a developer or owner of an  
18 eligible project to meet the standards of this part shall be calculated on a per acre  
19 basis, using total cost accounting, and shall include, as applicable, land acquisition  
20 or conservation easement costs, monitoring costs, restoration costs, transaction  
21 costs, the amount of a perpetual endowment account for land management or  
22 easement stewardship costs by the department or other management entity, and  
23 administrative costs and funds sufficient to repay any expenditure of state funds  
24 made pursuant to subdivision (f). To ensure the funds deposited pursuant to this  
25 article are sufficient to meet the standards of this part, the project developer or  
26 owner, in addition to payment of those funds, shall provide security, in a form and  
27 amount, not to exceed 5 percent of the amount of the funds, excluding any portion  
28 of the funds to be used for a perpetual endowment, to be determined by the Energy  
29 Commission, with respect to a solar thermal or geothermal powerplant subject to  
30 its jurisdiction, or to be determined by the department, with respect to a renewable  
31 energy powerplant not subject to the Energy Commission's jurisdiction.

32 (f) The sum of ten million dollars (\$10,000,000) previously transferred, as a  
33 loan, from the Renewable Resource Trust Fund to the fund shall be repaid from  
34 the fund to the Renewable Resource Trust Fund no later than December 31, 2013.  
35 The department shall use these funds, pursuant to paragraph (1) of subdivision (a)  
36 of Section 63055, to purchase mitigation lands or conservation easements, and to  
37 cover related restoration, monitoring, and transaction costs incurred in advance of  
38 the receipt of fees pursuant to paragraph (5) and to cover the department's  
39 administrative costs for the program.

40 (g) The department may contract with, or award grants to, third parties to  
41 implement mitigation actions in conformity with Article 2 (commencing with  
42 Section 63050) and this article.

1       **Comment.** Section 63100 continues former Fish and Game Code Section 2099(b) without  
2 substantive change.

3       **§ 63105. Monitoring use of funds**

4       63105. (a) The department shall monitor the implementation of the mitigation  
5 actions and the progress of the construction of the eligible projects.

6       (b) The department shall report all deposits, and the source of those deposits, on  
7 its Internet Web site. The department shall also report all expenditures from the  
8 fund on its Internet Web site and identify the mitigation activities or programs that  
9 each expenditure funded and its relationship to the permitted project.

10       (c) The Energy Commission, with respect to a solar thermal or geothermal  
11 powerplant subject to its jurisdiction, and the department, with respect to a  
12 renewable energy powerplant not subject to the Energy Commission’s jurisdiction,  
13 shall ensure that moneys paid pursuant to this article are used only for purposes of  
14 satisfying the standards of subdivision (b) of Section 62700.

15       (d) Where moneys are used to fund mitigation actions, including the acquisition  
16 of lands or conservation easements, or the restoration of lands, that use shall be in  
17 addition to, and not duplicative of, mitigation obtained through any other means.

18       **Comment.** Section 63105 continues former Fish and Game Code Section 2099(c) without  
19 substantive change.

20       **§ 63110. Limitation on use of interim mitigation strategy**

21       63110. (a) The department and the Energy Commission shall not allow any use  
22 of the interim mitigation strategy subsequent to a determination by the department  
23 that the time and extent of mitigation actions are not being implemented in rough  
24 proportion to the impacts of those projects.

25       (b) The department shall reinstitute the use of the interim mitigation strategy  
26 when the department determines the rough proportionality between mitigation  
27 actions and impacts of eligible projects has been reestablished by the completion  
28 of additional mitigation actions.

29       **Comment.** Section 63110 continues former Fish and Game Code Section 2099(d) without  
30 substantive change.

31       **§ 63115. Permit application fee**

32       63115. (a) The department shall collect a permit application fee from the owner  
33 or developer of an eligible project to support its permitting of eligible projects  
34 pursuant to this part. The owner or developer of a proposed eligible project shall  
35 pay a one-time permit application fee of seventy-five thousand dollars (\$75,000)  
36 to the department.

37       (b) The department shall collect the permit application fee, at the time the owner  
38 or developer submits its permit application or, for eligible projects for which an  
39 application has already been submitted, within 30 days of March 22, 2010. The  
40 department shall utilize the permit application fee to pay for all or a portion of the  
41 department’s cost of processing incidental take permit applications pursuant to

1 subdivision (a) of Section 62700 and Section 62705. If the permit application fee  
2 is insufficient to complete permitting work due to the complexity of a project or  
3 timeline delays, the department may collect an additional fee from the owner or  
4 developer to pay for its actual costs, not to exceed an additional seventy-five  
5 thousand dollars (\$75,000).

6 (c) For an eligible project seeking site certification, pursuant to Chapter 6  
7 (commencing with Section 25500) of Division 15 of the Public Resources Code,  
8 by the Energy Commission, the owner or developer shall pay the permit  
9 application fee directly to the department. The permit application fee paid to the  
10 department shall fund the department's participation in the Energy Commission's  
11 site certification process as the state's trustee for natural resources. The permit  
12 application fee shall be in addition to any application fees collected directly by the  
13 Energy Commission. The permit application fee shall be due and payable within  
14 30 days of March 22, 2010.

15 (d) Permit application fees paid pursuant to this part shall be deposited in the  
16 Fish and Game Preservation Fund and shall be eligible for expenditure by the  
17 department pursuant to subdivision (a) of Section 62700 and Section 62705.

18 (e) The sum of one million six hundred fifty thousand dollars (\$1,650,000) is  
19 hereby appropriated to the department from the Fish and Game Preservation Fund  
20 for the purposes of this section. These funds shall be available for expenditure  
21 through June 30, 2011.

22 (f) If an owner or developer withdraws a project within 30 days after paying the  
23 permit application fee, the department shall refund any unused portion of the fee to  
24 the owner or developer.

25 **Comment.** Together with Section 63010, Section 63115 continues former Fish and Game  
26 Code Section 2099.5 without substantive change.

27 **Notes.** (1) Existing Section 2099.5 twice refers to "the operative date of this section." In  
28 proposed Section 63115, that phrase has been replaced with the apparent effective date of the  
29 section (as reported on the Legislative Counsel's website), March 22, 2010. **The Commission**  
30 **invites comment on whether that is a proper substitution or, alternatively, whether the**  
31 **provisions that include that reference are obsolete and can be deleted.**

32 (2) Existing Section 2099.5(c) refers to "Chapter 6 (commencing with Section 25500) of  
33 Division 1 of the Public Resources Code." That appears to be an error. Section 25500 is part of  
34 Division 15 of the Public Resources Code, not Division 1. Proposed Section 63115 corrects the  
35 error. **The Commission invites comment on whether that revision would cause any**  
36 **problems.**

37 **Note.** Existing Section 2099.20 appears to be obsolete. It provides an application procedure  
38 to implement a provision that was repealed by its own terms on January 1, 2016, former Section  
39 2099.10. For that reason, Section 2099.20 is not continued in this draft. **The Commission invites**  
40 **comment on whether that would cause any problems.**

41 **Note.** Existing Section 2100 appears to be obsolete. It governs the composition of an advisory  
42 commission that appears to be defunct. For that reason, Section 2100 is not continued in this  
43 draft. **The Commission invites comment on whether that would cause any problems.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

## CHAPTER 5. SURFACE MINING

### § 63200. Application of chapter

63200. This chapter applies to an ongoing surface mining operation that meets all of the following criteria:

(a) It has been issued a permit pursuant to Section 2770 of the Public Resources Code by the lead agency, as defined in Section 2728 of the Public Resources Code.

(b) It is in compliance with the permit with regard to matters relating to plants.

(c) It is in compliance with any memorandum of understanding with the department for any of the purposes specified in Section 62700.

**Comment.** Section 63200 restates the introductory clause of former Fish and Game Code Section 2081.5 without substantive change.

### § 63205. Limitation on criminal liability

63205. The surface mining operator is not liable for criminal prosecution pursuant to this code for any take of a threatened or endangered plant species that is incidental to the surface mining operation.

**Comment.** Section 63205 continues former Fish and Game Code Section 2081.5(a) without substantive change.

### § 63210. Newly listed or discovered plant species

63210. (a) If a plant species that exists on the private property of the surface mining operator is added to the list of threatened species or endangered species pursuant to this part after the date that the operator was issued the permit, or if a plant species on the list of threatened species or endangered species adopted pursuant to this part is newly discovered on the private property of the operator after that date, the department shall notify the operator by mail within 14 days of the addition to the list or knowledge of the new discovery by the department.

(b) Within 30 days from the date of the notification, the department shall meet with the operator to discuss an interim and permanent plan for the protection of the newly added or newly discovered plant species.

(c) Within 60 days of the initial meeting with the operator, the department shall issue reasonable and feasible interim management measures required to protect the newly added or newly discovered plant species that take into account the economic impact on the surface mining operation.

(d) The department shall work with the operator to develop and finalize a reasonable memorandum of understanding for one of the purposes specified in Section 62700 for the protection of the newly added or newly discovered plant species as expeditiously as possible.

(e) Both the interim management measures and the final memorandum of understanding shall, to the extent feasible, avoid interference with ongoing surface mining operations.

1 (f) The department shall send a copy of the final memorandum of understanding  
2 to the lead agency that issued the permit to the operator for the lead agency’s  
3 information.

4 (g) The surface mining operator shall pay a fee to the department in the amount  
5 the department determines is necessary to pay the department’s actual costs  
6 incurred in preparing interim management measures and developing and finalizing  
7 a memorandum of understanding for the protection of the newly added or newly  
8 discovered plant species. The fees shall be deposited in the Endangered and Rare  
9 Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the  
10 Fish and Game Preservation Fund and, notwithstanding Section 13340 of the  
11 Government Code, are continuously appropriated to the department for purposes  
12 of implementing this chapter.

13 **Comment.** Section 63210 continues former Fish and Game Code Section 2081.5(b)-(c)  
14 without substantive change.

15 **CHAPTER 6. SPECIFIC EXCEPTIONS**

16 **Article 1. Quantification Settlement Agreement**

17 **§ 63300. Take from specified effects of implementation of agreement**

18 63300. Notwithstanding Title 5 (commencing with Section 30200) of Part 3 of  
19 Division 8, Title 4 (commencing with Section 32700) of Part 3 of Division 9, and  
20 Sections 38200, 52200, and 53000, and contingent upon the fulfillment of the  
21 conditions listed in Section 63305, the department may authorize, under this part  
22 or Title 1 (commencing with Section 64500) of Part 2, the take of species resulting  
23 from impacts attributable to the implementation of the Quantification Settlement  
24 Agreement, as defined in subdivision (a) of Section 1 of Chapter 617 of the  
25 Statutes of 2002, on all of the following:

26 (a) The salinity, elevation, shoreline habitat, or water quality of the Salton Sea.

27 (b) The quantity and quality of water flowing in the All American Canal, the  
28 Coachella Canal, the Imperial Valley and Coachella Valley drains, the New and  
29 Alamo Rivers, the Coachella Valley Stormwater Channel, and the habitat  
30 sustained by those flows.

31 (c) Agricultural lands in the Imperial Valley.

32 (d) The quantity and quality of water flowing in the Colorado River, the habitat  
33 sustained by those flows, and the collection of that water for delivery to authorized  
34 users.

35 **Comment.** Section 63300 restates former Fish and Game Code Section 2081.7(a) without  
36 substantive change.

37 **§ 63305. Application of Section 63300**

38 63305. Section 63300 only applies if all of the following conditions are fulfilled:

1 (a) The Quantification Settlement Agreement is executed by the appropriate  
2 parties on or before October 12, 2003.

3 (b) The department has determined that the appropriate agreements have been  
4 executed to address environmental impacts at the Salton Sea that include  
5 enforceable commitments requiring all of the following:

6 (1) Imperial Irrigation District to transfer 800,000 acre-feet of conserved water,  
7 by conservation methods selected by the Imperial Irrigation District, to the  
8 Department of Water Resources on a mutually agreed-upon schedule in exchange  
9 for payment of one hundred seventy-five dollars (\$175) per acre-foot. The price  
10 shall be adjusted for inflation on an annual basis.

11 (2) Imperial Irrigation District to transfer up to 800,000 additional acre-feet of  
12 conserved water, by conservation methods selected by the Imperial Irrigation  
13 District, to the Department of Water Resources during the first 15 years of the  
14 Quantification Settlement Agreement on the schedule established for the  
15 mitigation water that was previously to be transferred to the San Diego Water  
16 Authority, or on a mutually agreed-upon schedule, at no cost for the water in  
17 addition to the payment for the water from the mitigation fund described in  
18 paragraph (1) of subdivision (b) of Section 3 of Chapter 613 of the Statutes of  
19 2003.

20 (3) As a condition to acquisition of the water described in paragraph (1), the  
21 Department of Water Resources shall be responsible for any environmental  
22 impacts, including Salton Sea salinity, related to use or transfer of that water. As a  
23 condition to acquisition of the water described in paragraph (2), the Department of  
24 Water Resources shall be responsible for environmental impacts related to Salton  
25 Sea salinity that are related to the use or transfer of that water.

26 (4) The Metropolitan Water District of Southern California (MWD) to purchase  
27 up to 1.6 million acre-feet of the water provided in accordance with paragraphs (1)  
28 and (2) from the Department of Water Resources at a price of not less than two  
29 hundred fifty dollars (\$250) per acre-foot on a mutually agreed-upon schedule.  
30 The price shall be adjusted for inflation on an annual basis. The Department of  
31 Water Resources shall deposit all proceeds from the sale of water pursuant to this  
32 paragraph, after deducting costs and reasonable administrative expenses, into the  
33 Salton Sea Restoration Fund established in Section 56850.

34 (5) The Metropolitan Water District of Southern California to pay not less than  
35 twenty dollars (\$20) per acre-foot for all special surplus water received by MWD  
36 as a result of reinstatement of access to that water under the Interim Surplus  
37 Guidelines by the United States Department of Interior subtracting any water  
38 delivered to Arizona as a result of a shortage. The money shall be paid into the  
39 Salton Sea Restoration Fund. The price shall be adjusted for inflation on an annual  
40 basis. Metropolitan Water District of Southern California shall receive a credit  
41 against future mitigation obligations under the Lower Colorado River Multi-  
42 Species Conservation Plan for any funds provided under this paragraph to the  
43 extent that those funds are spent on projects that contribute to the conservation or

1 mitigation for species identified in the Lower Colorado River Multi-Species  
2 Conservation Plan and that are consistent with the preferred alternative for Salton  
3 Sea restoration.

4 (6) Coachella Valley Water District, Imperial Irrigation District, and San Diego  
5 County Water Authority to pay a total of thirty million dollars (\$30,000,000) to  
6 the Salton Sea Restoration Fund as provided in paragraph (2) of subdivision (b) of  
7 Section 3 of Chapter 613 of the Statutes of 2003.

8 (c) The requirements of subdivision (a) and (b) of Section 62700 are satisfied as  
9 to the species for which take is authorized.

10 (d) The take authorization provides for the development and implementation, in  
11 cooperation with federal and state agencies, of an adaptive management process  
12 for monitoring the effectiveness of, and adjusting as necessary, the measures to  
13 minimize and fully mitigate the impacts of the authorized take. The adjusted  
14 measures are subject to Section 62015.

15 (e) The take authorization provides for the development and implementation in  
16 cooperation with state and federal agencies of an adaptive management process  
17 that substantially contributes to the long-term conservation of the species for  
18 which take is authorized. Preparation of the adaptive management program and  
19 implementation of the program is the responsibility of the department. The  
20 department's obligation to prepare and implement the adaptive management  
21 program is conditioned upon the availability of funds pursuant to the Water  
22 Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, if it is  
23 approved by the voters at the statewide general election to be held November 5,  
24 2002 (Proposition 50), or other funds that may be appropriated by the Legislature  
25 or approved by the voters for that purpose. The failure to appropriate funds does  
26 not relieve the applicant of the obligations of subdivisions (c) and (d). However,  
27 the applicant shall not be required to fund any program pursuant to this  
28 subdivision.

29 (f) The requirements of subdivision (c) may be satisfied if the take is authorized  
30 under this title.

31 **Comment.** Section 63305 restates former Fish and Game Code Section 2081.7(b)-(d) without  
32 substantive change.

33  **Note.** Existing Section 2081.7(d)(4) (proposed Section 63305(f)) refers to “Chapter 10  
34 (commencing with Section 2080).” The reference to “Chapter 10” appears to be erroneous.  
35 Section 2080 is the first section of Article 3 of Chapter 1.5 (which would be continued as Title 3  
36 of Part 1). Proposed Section 63305(f) corrects the error. **The Commission invites comment on  
37 whether the proposed correction would cause any problem.**

38 **§ 63310. Restoration study**

39 63310. (a) The Secretary of the Resources Agency, in consultation with the  
40 department, the Department of Water Resources, the Salton Sea Authority,  
41 appropriate air quality districts, and the Salton Sea Advisory Committee, shall  
42 undertake a restoration study to determine a preferred alternative for the

1 restoration of the Salton Sea ecosystem and the protection of wildlife dependent  
2 on that ecosystem.

3 (b) The Secretary of the Resources Agency shall extend an invitation to the  
4 United States Geological Survey Salton Sea Science Office to also participate in  
5 the restoration study, and the office may participate if it accepts the invitation.

6 (c) The restoration study shall be conducted pursuant to a process with deadlines  
7 for release of the report and programmatic environmental documents established  
8 by the secretary, in consultation with the department, the Department of Water  
9 Resources, the Salton Sea Authority, and the Salton Sea Advisory Committee, and  
10 the United States Geological Survey Salton Sea Science Office, if it is a  
11 participant. The secretary shall use all available authority to enter into a  
12 memorandum of understanding (MOU) with the Secretary of the Interior, as  
13 provided in Section 101(b)(1)(B)(i) of the Salton Sea Reclamation Act of 1998  
14 (P.L. 105-372) for the purpose of obtaining federal participation in the restoration  
15 of the Salton Sea.

16 (d) The restoration study shall establish all of the following:

17 (1) An evaluation of alternatives for the restoration of the Salton Sea that  
18 includes consideration of strategies for salinity control, habitation creation and  
19 restoration, and different shoreline elevations and surface area configurations. The  
20 alternatives shall consider the range of possible inflow conditions. The evaluation  
21 established pursuant to this paragraph shall also include suggested criteria for  
22 selecting and evaluating alternatives consistent with Title 10 (commencing with  
23 Section 56800) of Part 2 of Division 15, including, but not limited to, at least one  
24 most cost-effective, technically feasible, alternative.

25 (2) An evaluation of the magnitude and practicability of costs of construction,  
26 operation, and maintenance of each alternative evaluated.

27 (3) A recommended plan for the use or transfer of water provided by paragraph  
28 (2) of subdivision (b) of Section 63305. No water may be transferred pursuant to  
29 that subdivision unless the secretary finds that transfer is consistent with the  
30 preferred alternative for Salton Sea restoration.

31 (4) The selection of a preferred alternative consistent with Section 56900,  
32 including a proposed funding plan to implement the preferred alternative. The  
33 proposed funding plan shall include a determination of the moneys that are, or  
34 may be, available to construct and operate the preferred project, including, but not  
35 limited to, all of the following moneys:

36 (A) Moneys in the Salton Sea Restoration Fund established by Section 56850.

37 (B) State water and environmental bond moneys.

38 (C) Federal authorizations and appropriations.

39 (D) Moneys available through a Salton Sea Infrastructure Financing District  
40 established pursuant to Section 53395.9 of the Government Code and local  
41 assessments by the Salton Sea Authority or its member agencies.

42 (E) Moneys derived from user or other fees.

1 (e) The study identifying the preferred alternative shall be submitted to the  
2 Legislature on or before December 31, 2006.

3 **Comment.** Section 63310 continues former Fish and Game Code Section 2081.7(e)(1)-(3)  
4 without substantive change.

5 **Note.** The Commission invites comment on whether proposed Section 63310(e) can be  
6 omitted as obsolete.

7 **§ 63315. Advisory committee**

8 63315. The Secretary of the Resources Agency shall establish an advisory  
9 committee for purposes of Section 63310 as follows:

10 (a) The advisory committee shall be selected to provide balanced representation  
11 of the following interests:

- 12 (1) Agriculture.
- 13 (2) Local governments.
- 14 (3) Conservation groups.
- 15 (4) Tribal governments.
- 16 (5) Recreational users.
- 17 (6) Water agencies.
- 18 (7) Air pollution control districts.
- 19 (8) Geothermal energy development.

20 (b) Appropriate federal agency representatives may be asked to serve in an ex  
21 officio capacity.

22 (c) The Resources Agency shall consult with the advisory committee throughout  
23 all stages of the alternative selection process.

24 (d) The advisory committee shall meet no fewer than six times annually.

25 (e) The secretary shall appoint a vice chair of the advisory committee from the  
26 committee membership. The vice chair shall work with the secretary to develop  
27 advisory committee agendas and to schedule meetings of the committee. The  
28 secretary and vice chair shall appoint an agenda subcommittee to assist in the  
29 preparation of advisory committee agendas.

30 (f) The advisory committee shall submit to the Resources Agency  
31 recommendations to assist the agency in preparation of its restoration plan. The  
32 Resources Agency shall develop a schedule for the completion of these  
33 recommendations to ensure that these recommendations will be considered by the  
34 agency in a timely and meaningful manner as the restoration plan is developed.  
35 These recommendations may include, but are not limited to:

- 36 (1) The specific goals and objectives of the restoration plan.
- 37 (2) The range of alternative restoration actions that must be developed and  
38 analyzed.
- 39 (3) The no action alternative.
- 40 (4) The criteria for determining economic and technical feasibility of the  
41 alternatives.

- 1 (5) The range of options for funding the restoration plan.  
2 (6) The selection of a preferred alternative for a restoration plan.  
3 (g) The Resources Agency shall periodically provide an update to the advisory  
4 committee of the current work plan and schedule for the development of the  
5 restoration plan.

6 **Comment.** Section 63315 continues former Fish and Game Code Section 2081.7(e)(4) without  
7 substantive change.

8 **§ 63320. No exemption from other laws**

9 63320. This article shall not be construed to exempt from any other provision of  
10 law the Quantification Settlement Agreement and the Agreement for Transfer of  
11 Conserved Water by and between the Imperial Irrigation District and the San  
12 Diego County Water Authority, dated April 29, 1998.

13 **Comment.** Section 63320 continues former Fish and Game Code Section 2081.7(f) without  
14 substantive change.

15 **§ 63325. Related assessment by Resources Agency**

16 63325. (a) The Resources Agency shall undertake the necessary activities to  
17 assess the protection of recreational opportunities, including, but not limited to,  
18 hunting, fishing, boating, and birdwatching, and the creation of opportunities for  
19 improved local economic conditions, surrounding the Salton Sea.

20 (b) The Resources Agency shall not undertake any of those activities if the  
21 agency determines they would constitute a project purpose for environmental  
22 documentation that is prepared pursuant to Sections 63300 to 63320, inclusive.

23 **Comment.** Section 63325 continues former Fish and Game Code Section 2081.8 without  
24 substantive change.

25 **Article 2. Chinook Salmon**

26 **§ 63350. Findings and declarations**

27 63350. The Legislature finds and declares the following:

28 (a) The historic settlement approved by Congress in the San Joaquin River  
29 Restoration Settlement Act (Part I of Subtitle A of Title X of Public Law 111-11)  
30 directs the federal government to reintroduce spring run Chinook salmon to the  
31 San Joaquin River. In approving the settlement and the new statutory provisions  
32 governing the reintroduction of California central valley spring run Chinook  
33 salmon, Congress found that the implementation of the settlement, to resolve 18  
34 years of contentious litigation regarding restoration of the San Joaquin River and  
35 the reintroduction of the salmon, was a unique and unprecedented circumstance.  
36 The settlement also provides that nothing in the settlement diminishes the statutory  
37 or regulatory protections under the federal Endangered Species Act of 1973 (16  
38 U.S.C. Sec. 1531 et seq.) nor does it establish a precedent with respect to any other  
39 application of the federal act.

1 (b) Central valley spring run Chinook salmon have been listed since 1999 as a  
2 threatened species under this part and were still listed as of January 1, 2011.

3 (c) Restoring spring run Chinook salmon to the San Joaquin River is intended to  
4 further the conservation and recovery of the species.

5 (d) Consistent with the unique and historic circumstances that led to the  
6 settlement, nothing in this article is intended to create any precedent as to future  
7 application of this part, nor does this article otherwise modify other existing  
8 statutes or legal obligations.

9 **Comment.** Section 63350 continues former Fish and Game Code Section 2080.2 without  
10 substantive change.

11 **§ 63355. Enhancement of survival permit**

12 63355. (a) Notwithstanding any other provision of this part, if any person  
13 obtains from the Secretary of Commerce an enhancement of survival permit  
14 pursuant to subparagraph (A) of paragraph (1) of subdivision (a) of Section 1539  
15 of Title 16 of the United States Code that authorizes the taking of spring run  
16 Chinook salmon (*Oncorhynchus tshawytscha*) in order to establish or maintain an  
17 experimental population in the San Joaquin River pursuant to subsection (j) of that  
18 section and the San Joaquin River Restoration Settlement Act (Part I of Subtitle A  
19 of Title X of Public Law 111-11), no further authorization or approval is necessary  
20 under this part for that person to take that species as identified in, and in  
21 accordance with, the enhancement of survival permit, if all of the following  
22 requirements are met:

23 (1) That person shall notify the director in writing that the person has received  
24 an enhancement of survival permit and include in the notification a copy of the  
25 permit.

26 (2) Upon receipt of the notice specified in paragraph (1), the director shall  
27 immediately have the notice published in the General Public Interest Section of the  
28 California Regulatory Notice Register.

29 (3) Within 30 days after the director has received the notice specified in  
30 paragraph (1), the director shall determine whether the enhancement of survival  
31 permit will further the conservation of the species. As used in this paragraph,  
32 “conservation” has the same meaning as defined in Section 62110.

33 (4) The director shall immediately have the determination pursuant to paragraph  
34 (3) published in the General Public Interest Section of the California Regulatory  
35 Notice Register.

36 (b) The timing and extent of a take authorization under this section shall be  
37 limited to the terms in the federal enhancement of survival permit and shall expire  
38 upon the expiration of the federal permit.

39 (c) This section shall remain in effect only until the effective date of an  
40 amendment to Section 1539 of Title 16 of the United States Code that alters the  
41 requirements for issuing an enhancement of survival permit, as applicable, and as

1 of that date is repealed, unless a later enacted statute, that is chaptered before the  
2 date this section is repealed, deletes or extends that date.

3 **Comment.** Section 63355 continues former Fish and Game Code Section 2080.3 without  
4 substantive change.

5  **Note.** Existing Section 2080.3(a)(2) refers to “paragraph (1) of subdivision (c).” That  
6 reference is erroneous, as subdivision (c) is not divided into paragraphs. In context, it appears that  
7 the reference should have been to Section 2080.3(a)(1). That change has been made in proposed  
8 Section 63355. **The Commission invites comment on whether the change would cause any**  
9 **problems.**

10 **§ 63360. Experimental population**

11 63360. (a) If a population of spring run Chinook salmon in the San Joaquin  
12 River is designated as an experimental population under subsection (j) of Section  
13 1539 of Title 16 of the United States Code, no further authorization or approval is  
14 necessary under this part for any person to incidentally take members of that  
15 experimental population, if all of the following requirements are met:

16 (1) The Secretary of Commerce has published regulations in the Federal  
17 Register specifying management restrictions, protective measures, prohibitions,  
18 and exceptions to the prohibitions for the designated experimental population of  
19 spring run Chinook salmon in the San Joaquin River.

20 (2) The director has determined, in writing, that the management restrictions,  
21 protective measures, prohibitions and exceptions to prohibitions contained in the  
22 regulations specified in paragraph (1) meet the requirements in subdivision (b).

23 (3) The action or activity that results in incidental take of the designated  
24 experimental population is authorized by the regulations published in the Federal  
25 Register.

26 (b) The director shall issue the determination described in paragraph (2) of  
27 subdivision (a), if the director finds that the federal regulations described in  
28 paragraph (1) of subdivision (a) meet all of the following criteria:

29 (1) The federal regulations will further the conservation of the spring run  
30 Chinook salmon. As used in this paragraph, “conservation” has the same meaning  
31 as defined in Section 62110.

32 (2) The federal regulations contain all reasonably feasible measures to avoid and  
33 minimize the impacts of any taking allowed by the regulation.

34 (3) The federal regulations will not jeopardize the continued existence or  
35 recovery of spring run Chinook salmon, and will not jeopardize the restoration of  
36 spring run Chinook salmon in the San Joaquin River.

37 (c) If the director determines that the federal regulations described in paragraph  
38 (1) of subdivision (a) are not consistent with this part, or if the action or activity  
39 that results in incidental take is not authorized in those federal regulations, then the  
40 incidental take of members of the designated experimental population may only be  
41 authorized pursuant to this part.

1 (d) The director shall publish the determination, pursuant to paragraph (2) of  
2 subdivision (a), and subdivision (b), in the General Public Interest Section of the  
3 California Regulatory Notice Register.

4 **Comment.** Section 63360 continues former Fish and Game Code Section 2080.4 without  
5 substantive change.

6 Article 3. Rough Sculpin

7 **§ 63400. Spring Creek Bridge**

8 63400. (a) The department may authorize, under this part, the take of the rough  
9 sculpin (*Cottus asperimus*) resulting from impacts attributable to replacing the  
10 Spring Creek Bridge in the County of Shasta, if all of the following conditions are  
11 satisfied:

12 (1) The requirements of subdivisions (a) and (b) of Section 62700 are satisfied  
13 for the take of the rough sculpin.

14 (2) The department ensures that all further measures necessary to satisfy the  
15 conservation standard of subdivision (d) of Section 64515 are incorporated into  
16 the project.

17 (3) The take authorization provides for the development and implementation, in  
18 cooperation with federal and state agencies, of a monitoring program and an  
19 adaptive management process until the department determines that any impacts  
20 resulting from the replacement of the Spring Creek Bridge have been fully  
21 mitigated.

22 (b) This section shall not be construed to exempt the project described in  
23 subdivision (a) from any other law.

24 **Comment.** Section 63400 continues former Fish and Game Code Section 2081.4 without  
25 substantive change.

26 Article 4. Threespine Stickleback

27 **§ 63450. Bouquet Creek**

28 63450. (a) The department may authorize, under this part, the take of the  
29 unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) resulting  
30 from impacts attributable to the habitat restoration project to restore, maintain, and  
31 improve riparian habitat on public lands in the geographic area defined in  
32 paragraph (1) and projects to restore the flow capacity to Bouquet Creek in  
33 Bouquet Canyon on public lands, undertaken by the Los Angeles County  
34 Department of Public Works, the Los Angeles Department of Water and Power,  
35 and the United States Department of Agriculture, Forest Service, if all of the  
36 following conditions are satisfied:

37 (1) The take authorization is limited to the portion of Bouquet Creek located  
38 from a position normal to mile marker 8.3 on Bouquet Canyon Road to a position  
39 normal to mile marker 16.3 on Bouquet Canyon Road, inclusive.

1 (2) The department has determined that the appropriate agreements have been  
2 executed to address environmental impacts at the Bouquet Canyon area, including,  
3 but not limited to, Bouquet Creek.

4 (3) The requirements of subdivisions (a) and (b) of Section 62700 are satisfied  
5 for the take of the unarmored threespine stickleback.

6 (4) The department ensures that all further measures necessary to satisfy the  
7 conservation standard of subdivision (d) of Section 64515 are incorporated into  
8 the projects.

9 (5) A biologist will be on duty whenever an activity is conducted that may affect  
10 the unarmored threespine stickleback.

11 (6) The take authorization provides for the development and implementation, in  
12 cooperation with federal and state agencies, of a monitoring program and an  
13 adaptive management process that satisfy the conservation standard of subdivision  
14 (d) of Section 64515 for monitoring the effectiveness of, and adjusting, as  
15 necessary, the measures to minimize and fully mitigate the impacts of the  
16 authorized take.

17 (7) The take authorization provides for the development and implementation, in  
18 cooperation with state and federal agencies, of an adaptive management process  
19 that substantially contributes to the long-term conservation of the unarmored  
20 threespine stickleback.

21 (b) This section shall not be construed to exempt the projects described in  
22 subdivision (a) from any other law.

23 (c) This section shall not be construed to affect the contractual obligations of the  
24 Los Angeles Department of Water and Power to provide water from Bouquet  
25 Reservoir.

26 **Comment.** Section 63450 continues former Fish and Game Code Section 2081.6 without  
27 substantive change.

28 **§ 63455. Metropolitan Water District of Southern California water supply facility**

29 63455. (a) The department may authorize, under this part, the incidental take of  
30 unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*) attributable  
31 to the periodic dewatering, inspection, maintenance, modification, or repair,  
32 including emergency repair, of the Metropolitan Water District of Southern  
33 California's Foothill Feeder water supply facility from Castaic Dam to the Joseph  
34 Jensen Treatment Plant in the County of Los Angeles, contingent upon the  
35 fulfillment of the following conditions:

36 (1) The department determines that the requirements of subdivisions (a) and (b)  
37 of Section 62700 are satisfied for the take of the unarmored threespine stickleback.

38 (2) The department ensures that all further measures necessary to satisfy the  
39 conservation standard of subdivision (d) of Section 64515 are incorporated into  
40 the project.

41 (3) The take authorization provides for the development and implementation, in  
42 cooperation with the department, of an adaptive management plan for monitoring

1 the effectiveness of, and adjusting as necessary, the measures to minimize and  
2 fully mitigate the impacts of the authorized take and to satisfy the conservation  
3 standard of subdivision (d) of Section 64515.

4 (4) A biologist who has substantial relevant experience evaluating impacts to  
5 inland fisheries is on duty whenever an activity is conducted that may affect the  
6 unarmored threespine stickleback.

7 (5) The Metropolitan Water District of Southern California consults with the  
8 department to consider feasible measures to avoid and minimize incidental take of  
9 unarmored threespine stickleback. For purposes of this paragraph, “feasible” has  
10 the same meaning as defined in Section 15364 of Title 14 of the California Code  
11 of Regulations.

12 (b) The take authorization shall cover any incidental take of unarmored  
13 threespine stickleback attributable to the periodic dewatering, inspection,  
14 maintenance, modification, or repair, including emergency repair, of the Foothill  
15 Feeder that may occur in the following locations:

16 (1) Within the Santa Clara River, from the Bouquet Canyon Road Bridge to a  
17 point located 4,000 feet downstream of where Commerce Center Drive, as of  
18 January 1, 2016, dead-ends adjacent to the Santa Clara River.

19 (2) From the confluence with the Santa Clara River upstream to the following  
20 locations:

21 (A) In Charlie Canyon to a point 1,000 feet upstream of the Foothill Feeder  
22 facility dewatering structure.

23 (B) In San Francisquito Creek to the Copper Hill Drive bridge.

24 (C) In Placerita Creek to the Hacienda Lane crossing.

25 (D) In Bouquet Creek to the Newhall Ranch Road Bridge.

26 (c) The take authorization shall also cover any incidental take of unarmored  
27 threespine stickleback that may occur in the course of implementing mitigation or  
28 conservation actions required in the permit issued pursuant to subdivision (a) as  
29 may be modified through an adaptive management plan adopted pursuant to  
30 paragraph (3) of subdivision (a).

31 (d) The permit issued pursuant to subdivision (a) shall include conditions that  
32 cover biological and scientific considerations including, but not limited to, criteria  
33 for the handling of stranded fish and their relocation into suitable habitat, the  
34 dewatering of the Foothill Feeder, and the reasonable and feasible mimicking of  
35 streamflows. The permit conditions shall be in compliance with the project  
36 description, mitigation measures, and release plan set forth in the certified  
37 environmental impact report known as the “Foothill Feeder Repair and Future  
38 Inspections Project Environmental Impact Report, January 2005, State  
39 Clearinghouse Number 2005071082.” The permit conditions are subject to  
40 amendment when required by the adaptive management plan or when modified by  
41 a subsequent final environmental document pursuant to the California  
42 Environmental Quality Act (Division 13 (commencing with Section 21000) of the  
43 Public Resources Code).

1 (e) This section shall not be construed to exempt from any other law the periodic  
2 dewatering, inspection, maintenance, modification, or repair of the Foothill  
3 Feeder.

4 (f) If the Metropolitan Water District of Southern California receives a permit  
5 under this section, the permit shall require the district to report to the department  
6 within six months after every dewatering of the Foothill Feeder. The report shall  
7 address compliance with the permit conditions and the effectiveness of the  
8 adaptive management plan in contributing to the conservation of the unarmored  
9 threespine stickleback. The Metropolitan Water District of Southern California  
10 shall ensure that each report is made available to the public.

11 (g) As used in this section, “modification” does not include alterations to expand  
12 the maximum physical capacity of the Foothill Feeder to deliver water.

13 **Comment.** Section 63455 continues former Fish and Game Code Section 2081.10 without  
14 substantive change.

15 Article 5. Limestone Salamander

16 § 63500. Ferguson Slide Permanent Restoration Project

17 63500. (a) Notwithstanding Section 52200, the department may authorize, under  
18 this part, the incidental take of limestone salamander (*Hydromantes brunus*)  
19 resulting from impacts attributable to the Department of Transportation’s  
20 implementation of the Ferguson Slide Permanent Restoration Project on State  
21 Route 140 from 8 miles east of Briceburg to 7.6 miles west of El Portal in  
22 Mariposa County, contingent upon the fulfillment of the following conditions:

23 (1) The Department of Transportation begins construction of the Ferguson Slide  
24 Permanent Restoration Project on or before January 1, 2016.

25 (2) The department has determined that the Department of Transportation will  
26 adopt appropriate avoidance and mitigation measures to protect the limestone  
27 salamander through enforceable commitments that, at a minimum, include the  
28 following:

29 (A) A construction work window that prevents initial ground-disturbing  
30 construction activities from occurring on the southern slope during the  
31 salamander’s active season of December to March, inclusive.

32 (B) Environmentally sensitive area fencing in the form of five-foot orange  
33 plastic mesh, as well as salamander protection exclusionary fencing in the form of  
34 24-inch sheet metal, will be erected if construction-related activities will occur  
35 adjacent to limestone salamander habitat during their active season.

36 (C) A biological monitor will be onsite during active building to inspect the  
37 worksite and all exclusionary fencing.

38 (D) All ground-disturbing activities within 100 feet will cease if a limestone  
39 salamander is detected in an active construction site until the animal can be safely  
40 removed from the area according to an agreed-upon salvage plan.

1 (3) The requirements of subdivisions (a) and (b) of Section 62700 are satisfied  
2 for the take of the limestone salamander.

3 (4) The department ensures that all further measures necessary to satisfy the  
4 conservation standard of subdivision (d) of Section 64515 are incorporated into  
5 the project.

6 (5) The take authorization provides for the development and implementation, in  
7 cooperation with the department, of an adaptive management process for  
8 monitoring the effectiveness of, and adjusting as necessary, the measures to  
9 minimize and fully mitigate the impacts of the authorized take. The adjusted  
10 measures are subject to Section 62015.

11 (6) The failure to appropriate funds does not relieve the applicant of the  
12 obligations of paragraphs (1) and (2).

13 (7) Any observations of the species in the worksite and any accidental injury or  
14 mortality from vehicle strikes or other means will be reported to the department  
15 immediately and the onsite biological monitor will notify the resident engineer  
16 who will halt the work immediately.

17 (b) This section shall not be construed to exempt the Ferguson Slide Permanent  
18 Restoration Project on State Route 140 from 8 miles east of Briceburg to 7.6 miles  
19 west of El Portal in Mariposa County from any other law.

20 **Comment.** Section 63500 continues former Fish and Game Code Section 2081.9 without  
21 substantive change.

## 22 CHAPTER 7. PERMIT APPLICATION FEE

### 23 § 63600. Definitions

24 63600. For the purposes of this chapter, the following terms have the following  
25 meanings:

26 (a) “Permit” means any authorization issued by the department pursuant to this  
27 title to take a species listed by this part as candidate, threatened, or endangered.

28 (b) “Permittee” includes any individual, firm, association, organization,  
29 partnership, business, trust, corporation, limited liability company, district, city,  
30 county, city and county, town, federal agency, and the state who applies for or  
31 who has received a permit pursuant to this title.

32 (c) “Project” has the same meaning as defined in Section 21065 of the Public  
33 Resources Code.

34 (d) “Project cost” means the total direct and indirect project expenses that  
35 include, but are not limited to, labor, equipment, permanent materials and supplies,  
36 subcontracts, permits and licenses, overhead, and miscellaneous costs.

37 (e) “Voluntary habitat restoration project” means a project that meets both of the  
38 following requirements:

1 (1) The project’s primary purpose is voluntary habitat restoration and the project  
2 may have other environmental benefits, and the project is not required as  
3 mitigation due to a regulatory action.

4 (2) The project is not part of a regulatory settlement, a regulatory enforcement  
5 action, or a court order.

6 **Comment.** Section 63600 continues former Fish and Game Code Section 2081.2(a) without  
7 substantive change.

8 **§ 63605. Collection and use of fee**

9 63605. (a) The department shall collect a permit application fee for processing a  
10 permit application submitted pursuant to this title at the time the permit application  
11 is submitted to the department.

12 (b) Notwithstanding Section 64100, upon appropriation to the department from  
13 the Endangered Species Permitting Account, the department shall use the permit  
14 application fee to pay for all or a portion of the department’s cost of processing  
15 permit applications, permit development, and compliance monitoring pursuant to  
16 this title.

17 (c) This section does not apply to any of the following:

18 (1) Activities or costs associated with the review of projects, inspection and  
19 oversight of projects, and permits necessary to conduct timber operations, as  
20 defined in Section 4527 of the Public Resources Code, in accordance with Article  
21 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the  
22 Public Resources Code.

23 (2) Permits or memoranda of understanding authorized by Section 62650.

24 (3) Permits for voluntary habitat restoration projects.

25 **Comment.** Section 63605 continues former Fish and Game Code Section 2081.2(b) without  
26 substantive change.

27 **§ 63610. Timing**

28 63610. (a) For an application submitted to the department pursuant to this title  
29 on or after September 13, 2016, the department shall collect the permit application  
30 fee at the time the permit application is submitted. The department shall not deem  
31 the application complete until it has collected the permit application fee. A permit  
32 application submitted or deemed complete prior to the effective date of this article  
33 shall not be subject to fees established pursuant to this article.

34 (b) If a permit or amendment application is withdrawn within 30 days after  
35 paying the permit or amendment application fee, the department shall refund any  
36 unused portion of the fee to the permittee.

37 (c) If a permit or amendment application is withdrawn after 30 days of paying  
38 the permit or amendment application fee, the department shall not refund any  
39 portion of the fee to the permittee.

40 **Comment.** Section 63610 continues former Fish and Game Code Section 2081.2(e) without  
41 substantive change.

**Note.** Existing Section 2081.2(e)(1) refers to “the effective date of this section.” According to the Legislative Counsel’s website, the section became effective on September 13, 2016. Proposed Section 63610 replaces the reference to the effective date of the section with that date. **The Commission invites comment on whether that change would cause any problems.**

**§ 63615. Fee amounts**

63615. The department shall assess the permit application fee as follows, subject to Sections 63620, 63630, and 63640:

(a) For a project, regardless of estimated project cost, that is subject only to Section 62705, 63355, or 63360, the department shall assess either of the following amounts:

(1) Seven thousand five hundred dollars (\$7,500).

(2) Six thousand dollars (\$6,000), if the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this title.

(b) For a project where the estimated project cost is less than one hundred thousand dollars (\$100,000), the department shall assess either of the following amounts:

(1) Seven thousand five hundred dollars (\$7,500).

(2) Six thousand dollars (\$6,000), if the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this title.

(c) For a project where the estimated project cost is one hundred thousand dollars (\$100,000) or more but less than five hundred thousand dollars (\$500,000), the department shall assess either of the following amounts:

(1) Fifteen thousand dollars (\$15,000).

(2) Twelve thousand dollars (\$12,000), if the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this title.

(d) For a project where the estimated project cost is five hundred thousand dollars (\$500,000) or more, the department shall assess either of the following amounts:

(1) Thirty thousand dollars (\$30,000).

(2) Twenty-four thousand dollars (\$24,000), if the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this title.

(e) The department shall collect a fee of seven thousand five hundred dollars (\$7,500) for processing permit amendments that the department has determined are minor as defined in regulation or fifteen thousand dollars (\$15,000) for processing permit amendments that the department has determined are major as defined in regulation.

**Comment.** Section 63615 continues former Fish and Game Code Section 2081.2(c) without substantive change.

1    **§ 63620. Adjustment of fee amount**

2       63620. The department shall adjust the fees in this article pursuant to Section  
3    3755.

4       **Comment.** Section 63620 continues former Fish and Game Code Section 2081.2(f)(1) without  
5    substantive change.

6    **§ 63625. Additional fee to cover costs**

7       63625. (a) If the permit or amendment application fee paid pursuant to Section  
8    63615 is determined by the department to be insufficient to complete permitting  
9    work due to the complexity of a project or the potential effects of a project, the  
10   department shall collect an additional fee of up to ten thousand dollars (\$10,000)  
11   from the permittee to pay for its estimated costs. Upon its determination, the  
12   department shall notify the permittee of the reasons why an additional fee is  
13   necessary and the estimated amount of the additional fee.

14       (b) The additional fee collected pursuant to subdivision (a) shall not exceed an  
15   amount that, when added to the fee paid pursuant to Section 63615, equals thirty-  
16   five thousand dollars (\$35,000). The department shall collect the additional fee  
17   before a final decision on the application by the department.

18       **Comment.** Section 63625 continues former Fish and Game Code Section 2081.2(d) without  
19    substantive change.

20   **§ 63630. Periodic review of fee amount**

21       63630. The department, at least every five years, shall analyze application fees  
22   pursuant to Section 3755 to ensure the appropriate fee amounts are charged.

23       **Comment.** Section 63630 continues former Fish and Game Code Section 2081.2(f)(3) without  
24    substantive change.

25   **§ 63635. Endangered Species Permitting Account**

26       63635. Fees paid to the department pursuant to this article shall be deposited in  
27   the Endangered Species Permitting Account, which is hereby established in the  
28   Fish and Game Preservation Fund. Notwithstanding Section 64100, funds in the  
29   account shall be available to the department, upon appropriation by the  
30   Legislature, for the purposes of administering and implementing this part, except  
31   that fee moneys collected pursuant to this article shall only be used for the  
32   purposes of this title.

33       **Comment.** Section 63635 continues former Fish and Game Code Section 2081.2(g) without  
34    substantive change.

35   **§ 63640. Article XIII B of the California Constitution**

36       63640. The Legislature finds that all revenues generated under this article and  
37   used for the purposes for which they were imposed are not subject to Article XIII  
38   B of the California Constitution.

39       **Comment.** Section 63640 continues former Fish and Game Code Section 2081.2(f)(2) without  
40    substantive change.

1 TITLE 4. AGRICULTURE

2 CHAPTER 1. GENERAL PROVISIONS

3 § 63700. **Accidental take in the course of lawful agricultural activities**

4 63700. (a) Accidental take of candidate, threatened, or endangered species  
5 resulting from an act that occurs on a farm or a ranch in the course of otherwise  
6 lawful routine and ongoing agricultural activities is not prohibited by this part.

7 (b) For purposes of this section, “accidental” means unintended or unforeseen.

8 (c) This section shall remain in effect only until January 1, 2020, and as of that  
9 date is repealed, unless a later enacted statute, that is enacted before January 1,  
10 2020, deletes or extends that date.

11 **Comment.** Section 63700 continues former Fish and Game Code Section 2087 without  
12 substantive change.

13 § 63705. **Routine and ongoing agricultural activities**

14 63705. Routine and ongoing agricultural activities shall be defined by the  
15 department by regulation and shall not include the conversion of agricultural land  
16 to a nonagricultural use.

17 **Comment.** Section 63705 continues former Fish and Game Code Section 2089 without  
18 substantive change.

19 § 63710. **Application to take of fish species**

20 63710. This title does not authorize the take of fish species. “Fish species” as  
21 used in this section means a member of the class Osteichthyes.

22 **Comment.** Section 63710 continues the first part of former Fish and Game Code Section 2088  
23 without substantive change.

24 § 63715. **Application to timber harvesting**

25 63715. This title does not apply to timber harvesting governed by the State  
26 Board of Forestry.

27 **Comment.** Section 63715 continues the second part of former Fish and Game Code Section  
28 2088 without substantive change.

29 § 63720. **Nonregulatory guidelines**

30 63720. The department may adopt nonregulatory guidelines to clarify how the  
31 provisions of this part may be used in connection with voluntary local programs  
32 for routine and ongoing agricultural activities adopted pursuant to this title.

33 **Comment.** Section 63720 continues the part of former Fish and Game Code Section  
34 2089.22(b) that applies to ongoing agricultural activities, without substantive change.

1

## CHAPTER 2. VOLUNTARY PROGRAM

2 **§ 63750. Authorization of voluntary programs**

3 63750. (a) The department, in cooperation with the Department of Food and  
4 Agriculture, agricultural commissioners, extension agents, farmers, ranchers, and  
5 other agricultural experts, shall adopt regulations that authorize locally designed  
6 voluntary programs for routine and ongoing agricultural activities on farms or  
7 ranches that encourage habitat for candidate, threatened, and endangered species,  
8 and wildlife generally.

9 (b) Agricultural commissioners, extension agents, farmers, ranchers, or other  
10 agricultural experts, in cooperation with conservation groups, may propose those  
11 programs to the department.

12 (c) The department shall propose regulations for those programs not later than  
13 July 1, 1998.

14 **Comment.** Section 63750 continues former Fish and Game Code Section 2086(a) without  
15 substantive change.

16 **Note.** The Commission invites comment on whether proposed Section 63750(c) can be  
17 omitted as obsolete.

18 **§ 63755. Program requirements**

19 63755. Programs authorized under Section 63750 shall do all of the following:

20 (a) Include management practices that will, to the maximum extent practicable,  
21 avoid and minimize take of candidate, endangered, and threatened species, while  
22 encouraging the enhancement of habitat.

23 (b) Be supported by the best available scientific information for both agricultural  
24 and conservation practices.

25 (c) Be consistent with the policies and goals of this part.

26 (d) Be designed to provide sufficient flexibility to maximize participation and to  
27 gain the maximum wildlife benefits without compromising the economics of  
28 agricultural operations.

29 (e) Include terms and conditions to allow farmers or ranchers to cease  
30 participation in a program without penalty. The terms and conditions shall include  
31 reasonable measures to minimize take during withdrawal from the program.

32 **Comment.** Section 63755 continues former Fish and Game Code Section 2086(b) without  
33 substantive change.

34 **§ 63760. Take occurring while management practices followed**

35 63760. Any taking of candidate, threatened, or endangered species incidental to  
36 routine and ongoing agricultural activities that occurs while the management  
37 practices specified by subdivision (a) of Section 63755 are followed, is not  
38 prohibited by this part.

1       **Comment.** Section 63760 continues former Fish and Game Code Section 2086(c) without  
2 substantive change.

3       **§ 63765. Renewal of programs**

4       63765. The department shall automatically renew the authorization for these  
5 voluntary programs every five years, unless the Legislature amends or repeals this  
6 chapter in which case the program shall be revised to conform to this chapter.

7       **Comment.** Section 63765 continues former Fish and Game Code Section 2086(d)(1) without  
8 substantive change.

9       **§ 63770. Report on program effects**

10       63770. (a) Commencing in 2000, and every five years thereafter, the department  
11 shall post a report regarding the effect of the programs on its Internet Web site.  
12 The department shall consult with the Department of Food and Agriculture in  
13 evaluating the programs and preparing the report.

14       (b) The report shall address factors such as the temporary and permanent  
15 acreage benefiting from the programs, include an estimate of the amount of land  
16 upon which routine and ongoing agricultural activities are conducted, provide  
17 examples of farmer and rancher cooperation, and include recommendations to  
18 improve the voluntary participation by farmers and ranchers.

19       **Comment.** Section 63770 continues former Fish and Game Code Section 2086(d)(2) without  
20 substantive change.

21       **§ 63775. Nonrenewal or modification of program**

22       63775. If the authorization for these programs is not renewed or is modified  
23 under Section 63765, persons participating in the program shall be allowed to  
24 cease participating in the program in accordance with the terms and conditions  
25 specified in subdivision (e) of Section 63755, without penalty.

26       **Comment.** Section 63775 continues former Fish and Game Code Section 2086(e) without  
27 substantive change.

28       **§ 63780. Educational outreach by nonprofit entity**

29       63780. (a) The department may approve an application submitted by an  
30 agricultural-based nonprofit organization or other entity registered as a California  
31 nonprofit organization to initiate and undertake public education and outreach  
32 activities that promote the achievement of the objectives of this part.

33       (b) An application submitted pursuant to this section shall include the following:

34       (1) The name and contact information of the participating organization.

35       (2) A brief description of the planned outreach activities.

36       (3) An end date for the outreach activities.

37       (c) The department may require a participating organization to submit, for  
38 approval by the department, educational materials and outreach materials that are  
39 disseminated to the public in furtherance of this section.

1 (d) A participating organization shall file an annual report with the department  
2 before the end of each calendar year during the time period specified in the  
3 application. The report shall include, but is not limited to, the following:

4 (1) Complete information on the activities conducted by the participating  
5 organization in the prior year, including a description of all means of  
6 communicating to the public and agricultural community, including personal  
7 visits, electronic communications, organized meetings, or other means.

8 (2) A compilation of responses from the public and members of the agricultural  
9 community that will assist the participating organization and the department to  
10 modify or improve public education and outreach activities on an ongoing basis.

11 (3) An assessment of the existing knowledge within the agricultural community  
12 of programs and prohibitions under this part and a review of outreach activities  
13 that could be used to adapt and improve future outreach efforts.

14 (4) Information on a farm or ranch that has expressed interest in participating in  
15 a voluntary program pursuant to this chapter or the safe harbor agreement program  
16 contained in Title 5 (commencing with Section 63900). This provision does not  
17 require the annual report to include the identification to the department of an  
18 individual, farm, or ranch.

19 **Comment.** Section 63780 continues former Fish and Game Code Section 2086(f) without  
20 substantive change.

21 TITLE 5. CALIFORNIA STATE SAFE HARBOR  
22 AGREEMENT PROGRAM ACT

23 CHAPTER 1. GENERAL PROVISIONS

24 § 63900. Short title

25 63900. This title shall be known and may be cited as the California State Safe  
26 Harbor Agreement Program Act.

27 **Comment.** Section 63900 continues former Fish and Game Code Section 2089.2(a) without  
28 substantive change.

29 § 63905. Findings

30 63905. The Legislature finds that a key to the goals set forth in this title of  
31 conserving, protecting, restoring, and enhancing endangered, threatened, and  
32 candidate species, is their habitat. A significant portion of the state's current and  
33 potential habitat for these species exists on property owned by private citizens,  
34 municipalities, tribes, and other nonfederal entities. Conservation efforts on these  
35 lands and waters are critical to help these declining species. Using a collaborative  
36 stewardship approach to these lands and waters will help ensure the success of  
37 these efforts.

1       **Comment.** Section 63905 continues former Fish and Game Code Section 2089.2(b) without  
2 substantive change.

3       **§ 63910. Definitions**

4       63910. As used in this title, the following definitions apply:

5       (a) “Agreement” means a state safe harbor agreement approved by the  
6 department pursuant to this title. “Agreement” includes an agreement with an  
7 individual landowner and a programmatic agreement.

8       (b) “Baseline conditions” means the existing estimated population size, the  
9 extent and quality of habitat, or both population size and the extent and quality of  
10 habitat, for the species on the land to be enrolled in the agreement that sustain  
11 seasonal or permanent use by the covered species. Baseline conditions shall be  
12 determined by the department, in consultation with the applicant, and shall be  
13 based on the best available science and objective scientific methodologies. For  
14 purposes of establishing baseline conditions, a qualified person that is not  
15 employed by the department may conduct habitat surveys, if that person has  
16 appropriate species expertise and has been approved by the department.

17       (c) “Department” means the Department of Fish and Wildlife, acting through its  
18 director or his or her designee.

19       (d) “Landowner” means any person or nonstate or federal entity or entities that  
20 lawfully hold any interest in land or water to which they are committing to  
21 implement the requirements of this title.

22       (e) “Management actions” means activities on the enrolled land or water that are  
23 reasonably expected by the department to provide a net benefit to the species or  
24 their habitat, or both.

25       (f) “Monitoring program” means a program established or approved by the  
26 department in accordance with subdivision (f) of Section 63950.

27       (g) “Net conservation benefit” means the cumulative benefits of the  
28 management activities identified in the agreement that provide for an increase in a  
29 species’ population or the enhancement, restoration, or maintenance of covered  
30 species’ suitable habitats within the enrolled property. Net conservation benefit  
31 shall take into account the length of the agreement, any offsetting adverse effects  
32 attributable to the incidental taking allowed by the agreement, and other mutually  
33 agreed upon factors. Net conservation benefits shall be sufficient to contribute  
34 either directly or indirectly to the recovery of the covered species. These benefits  
35 include, but are not limited to, reducing fragmentation and increasing the  
36 connectivity of habitats, maintaining or increasing populations, enhancing and  
37 restoring habitats, and buffering protected areas.

38       (h) “Programmatic agreement” means a state safe harbor agreement issued to a  
39 governmental or nongovernmental program administrator. The program  
40 administrator for a programmatic agreement shall work with landowners and the  
41 department to implement the agreement. The program administrator and the

1 department shall be responsible for ensuring compliance with the terms of the  
2 agreement.

3 (i) “Qualified person” means a person with species expertise who has been  
4 approved by the department.

5 (j) “Return to baseline” means, at the termination of an agreement, activities  
6 undertaken by the landowner to return the species population or extent or quality  
7 of habitat to baseline, excluding catastrophic events such as floods, unplanned  
8 fires, or earthquakes, and other factors mutually agreed upon prior to permit  
9 issuance and that are beyond the control of the landowner.

10 **Comment.** Section 63910 continues former Fish and Game Code Section 2089.4 without  
11 substantive change.

12 **§ 63915. Purpose and effect**

13 63915. (a) The purpose of this title is to establish a program that will encourage  
14 landowners to manage their lands voluntarily to benefit endangered, threatened, or  
15 candidate species and not be subject to additional regulatory restrictions as a result  
16 of their conservation efforts.

17 (b) This title does not relieve landowners of any legal obligation with respect to  
18 endangered, threatened, or candidate species existing on their land. The program  
19 established by this title is designed to increase species populations, create new  
20 habitats, and enhance existing habitats. Although this increase may be temporary  
21 or long-term, California state safe harbor agreements shall not reduce the existing  
22 populations of species present at the time the baseline is established by the  
23 department.

24 **Comment.** Section 63915 continues former Fish and Game Code Section 2089.2(c)-(d)  
25 without substantive change.

26 **§ 63920. Regulations**

27 63920. The department may promulgate regulations to implement this title.

28 **Comment.** Section 63920 continues former Fish and Game Code Section 2089.25 without  
29 substantive change.

30 **§ 63925. List of qualified persons and program administrators**

31 63925. The department, for informational purposes, shall maintain a list of  
32 qualified persons who have worked with the department on an approved  
33 agreement, and persons, entities, and organizations serving as program  
34 administrators for approved agreements.

35 **Comment.** Section 63925 continues former Fish and Game Code Section 2089.24 without  
36 substantive change.

37 **§ 63930. Federal safe harbor agreement**

38 63930. (a) If a federal safe harbor agreement has been approved pursuant to  
39 applicable provisions of federal law and the federal safe harbor agreement  
40 contains species that are endangered, threatened, or are candidate species pursuant

1 to this part, no further authorization or approval is necessary under this title for  
2 any person authorized by that agreement to take the species identified in and in  
3 accordance with the federal Safe Harbor Agreement, if that person and the  
4 department follow all of the procedures specified in Section 62705, except that the  
5 determination of consistency shall be made by the department based only on the  
6 issuance criteria contained in this title.

7 **Comment.** Section 63930 continues former Fish and Game Code Section 2089.22(a) without  
8 substantive change.

9 **§ 63935. Sunset date**

10 63935. This title shall remain in effect only until January 1, 2020, and as of that  
11 date is repealed, unless a later enacted statute, that is enacted before January 1,  
12 2020, deletes or extends that date.

13 **Comment.** Section 63935 continues former Fish and Game Code Section 2089.26 without  
14 substantive change.

15 **CHAPTER 2. SAFE HARBOR AGREEMENT**

16 **Article 1. Permissible take**

17 **§ 63950. Department authorization of otherwise prohibited take**

18 63950. In addition to the other provisions of this title, the department may  
19 authorize acts that are otherwise prohibited pursuant to Section 62600 through an  
20 agreement, including a programmatic agreement, if all the following conditions  
21 are met:

22 (a) The department receives a complete application containing all of the  
23 information described in Section 64000.

24 (b) The take is incidental to an otherwise lawful activity.

25 (c) The department finds that the implementation of the agreement is reasonably  
26 expected to provide a net conservation benefit to the species listed in the  
27 application. This finding shall be based, at a minimum, upon the determination  
28 that the agreement is of sufficient duration and has appropriate assurances to  
29 realize these benefits.

30 (d) The take authorized by the agreement will not jeopardize the continued  
31 existence of the species. This determination shall be made based on the provisions  
32 of subdivision (b) of Section 62700.

33 (e) The department finds that the landowner has agreed, to the maximum extent  
34 practicable, to avoid or minimize any incidental take authorized in the agreement,  
35 including returning to baseline.

36 (f) The department has established or approved a monitoring program, based  
37 upon objective scientific methodologies, to provide information for the department  
38 to evaluate the effectiveness and efficiency of the agreement program, including  
39 whether the net conservation benefits set forth in the agreement are being achieved

1 and whether the participating landowner is implementing the provisions of the  
2 agreement.

3 (g) The department has determined that sufficient funding is ensured, for it or its  
4 contractors or agents, to determine baseline conditions on the property, and that  
5 there is sufficient funding for the landowner to carry out management actions and  
6 for monitoring for the duration of the agreement.

7 (h) Implementation of the agreement will not be in conflict with any existing  
8 department-approved conservation or recovery programs for the species covered  
9 by the agreement.

10 **Comment.** Section 63950 continues former Fish and Game Code Section 2089.6 without  
11 substantive change.

12 **§ 63955. Owens pupfish**

13 63955. The department may authorize the taking of the Owens pupfish in the  
14 Owens River watershed if the take is authorized under an agreement pursuant to  
15 this title.

16 **Comment.** Section 63955 continues former Fish and Game Code Section 2089.7 without  
17 substantive change.

18 **Article 2. Agreement**

19 **§ 64000. Information to be submitted by landowner**

20 64000. The landowner shall submit all of the following:

21 (a) A detailed map depicting the land proposed to be enrolled in the agreement.

22 (b) The common and scientific names of the species for which the landowner  
23 requests incidental take authorization.

24 (c) A detailed description of the landowner's current land and water use and  
25 management practices that affect the covered species, and the habitat of the  
26 covered species, for which the landowner requests incidental take authorization.

27 (d) A detailed description of the landowner's future land and water use and  
28 management practices that may affect the covered species, and the habitat of the  
29 covered species, for which the landowner requests incidental take authorization.  
30 This description shall be used only for informational and planning purposes.

31 (e) The proposed duration of the agreement that is sufficient to provide a net  
32 conservation benefit to the species covered in the permit and an explanation of the  
33 basis for this conclusion.

34 (f) A detailed description of the proposed management actions and the  
35 timeframe for implementing them.

36 (g) A description of the possible incidental take that may be caused by the  
37 management actions and of the anticipated species populations and habitat  
38 changes over the duration of the permit.

39 (h) A detailed description of the proposed monitoring program.

1 (i) Any other information that the department may reasonably require in order to  
2 evaluate the application.

3 **Comment.** Section 64000 continues former Fish and Game Code Section 2089.8 without  
4 substantive change.

5 **§ 64005. Treatment of proprietary information**

6 64005. (a) As used in this section, “proprietary information” means information  
7 that is all of the following:

8 (1) Related to an agricultural operation or land that is a part of an agricultural  
9 operation.

10 (2) A trade secret, or commercial or financial information, that is privileged or  
11 confidential, and is identified as such by the person providing the information to  
12 the department.

13 (3) Not required to be disclosed under any other provision of law or any  
14 regulation affecting the land or the agricultural operation on the land.

15 (b) Proprietary information received by the department pursuant to Section  
16 64000 is not public information, and the department shall not release or disclose  
17 the proprietary information to any person, including any federal, state, or local  
18 governmental agency, outside of the department.

19 (c) Notwithstanding subdivision (b), the department may release or disclose  
20 proprietary information received pursuant to Section 64000 to the following  
21 entities under the following circumstances:

22 (1) Any person or federal, state, or local governmental agency, to enforce this  
23 title.

24 (2) Any person or federal, state, or local governmental agency working in  
25 cooperation with the department to provide technical or financial assistance for the  
26 purposes of implementing the program established by this title.

27 (3) Any entity, to the extent that the owner, operator, or producer has consented  
28 to the release or disclosure.

29 (4) The general public, if the information has been transformed into a statistical  
30 or aggregate form without identifying any individual owner, operator, or producer,  
31 or the specific location from which the information was gathered.

32 **Comment.** Section 64005 continues former Fish and Game Code Section 2089.9 without  
33 substantive change.

34 **§ 64010. Department access to land or water proposed for enrollment**

35 64010. (a) Neither this section nor Section 64045 provide the public a right of  
36 entry onto the enrolled land or water. The landowner shall provide the department,  
37 its contractors, or agents with access to the land or water proposed to be enrolled  
38 in the agreement to develop the agreement, determine the baseline conditions,  
39 monitor the effectiveness of management actions, or safely remove or salvage  
40 species proposed to be taken.

1 (b) The department shall provide notice to the landowner at least seven days  
2 before accessing the land or water for the purposes of subdivision (a). The notice  
3 shall identify each person selected by the department, its contractors, or agents to  
4 access the land or water.

5 (c) Notwithstanding subdivision (a), during the seven-day notice period, a  
6 landowner may object, in writing, to a person selected to access the land or water.  
7 If a landowner objects, another person shall be selected by the department, its  
8 contractors, or agents, and notification shall be provided to the landowner pursuant  
9 to subdivision (b). However, if a landowner objects to a selection on two  
10 successive occasions, the landowner shall be deemed to consent to access to the  
11 land or water by a person selected by the department, its contractors, or agents.  
12 Failure by a landowner to object to the selection within the seven-day notice  
13 period shall be deemed consent to access the land or water by a person selected by  
14 the department, its contractors, or agents.

15 **Comment.** Section 64010 continues former Fish and Game Code Section 2089.20(a)-(c)  
16 without substantive change.

17 **§ 64015. Alteration or modification of enrolled property**

18 64015. If an agreement has been approved and the department finds that the  
19 agreement is being properly implemented, the department shall allow the  
20 landowner to alter or modify the enrolled property, even if that alteration or  
21 modification will result in the incidental take of a listed species, to the extent that  
22 the alteration or modification returns the species to baseline conditions.

23 **Comment.** Section 64015 continues former Fish and Game Code Section 2089.10 without  
24 substantive change.

25 **§ 64020. Advance notice of specified matters**

26 64020. Unless the department determines that it is inappropriate to do so based  
27 on the nature of the management actions being proposed, the species listed in the  
28 permit, or other factors, the agreement shall require that the landowner provide the  
29 department with at least 60 days' advance notice of any of the following:

- 30 (a) Any incidental take that is anticipated to occur under the agreement.
- 31 (b) The landowner's plan to return to baseline at the end of the agreement.
- 32 (c) Any plan to transfer or alienate the landowner's interest in the land or water.

33 **Comment.** Section 64020 continues former Fish and Game Code Section 2089.12(a) without  
34 substantive change.

35 **§ 64025. Department access to land after receiving notice**

36 64025. (a) If the department receives any notice described in Section 64020, the  
37 landowner shall provide the department, its contractors, or agents with access to  
38 the land or water for purposes of safely removing or salvaging the species.

39 (b) The department shall provide notice to the landowner at least seven days  
40 prior to accessing the land or water for the purposes of subdivision (a). The notice

1 shall identify each person selected by the department, its contractors, or agents to  
2 access the land or water.

3 (c) Notwithstanding subdivision (a), during the seven-day notice period, a  
4 landowner may object, in writing, to a person selected to access the land or water.  
5 If a landowner objects, another person shall be selected by the department, its  
6 contractors, or agents, and notification shall be provided to the landowner pursuant  
7 to subdivision (b). However, if a landowner objects to a selection on two  
8 successive occasions, the landowner shall be deemed to consent to access to the  
9 land or water by a person selected by the department, its contractors, or agents.  
10 Failure by a landowner to object to the selection within the seven-day notice  
11 period shall be deemed consent to access the land or water by a person selected by  
12 the department, its contractors, or agents.

13 (d) If the landowner objects to a person selected to access the land or water  
14 pursuant to subdivision (c), the 60-day notice period described in Section 64020  
15 shall be tolled for the period between the landowner's objection to a person  
16 selected for access to the land or water and the landowner's consent to a person  
17 selected for access to the land or water.

18 **Comment.** Section 64025 continues former Fish and Game Code Section 2089.12(b) without  
19 substantive change.

20 **§ 64030. Conveyance of enrolled land or water**

21 64030. If a landowner seeks to sell, transfer, or otherwise alienate the land or  
22 water enrolled in the agreement during the term of the agreement, the person or  
23 entity assuming that interest in the property shall (a) assume the existing  
24 landowner's duties under the agreement, (b) enter into a new agreement with the  
25 department, or (c) withdraw from an existing agreement under the terms provided  
26 in the agreement, as approved by the department.

27 **Comment.** Section 64030 continues former Fish and Game Code Section 2089.16 without  
28 substantive change.

29 **§ 64035. Agreement amendment**

30 64035. An agreement may be amended with the mutual consent of the  
31 landowner and the department.

32 **Comment.** Section 64035 continues former Fish and Game Code Section 2089.14 without  
33 substantive change.

34 **§ 64040. Suspension or revocation of agreement**

35 64040. The suspension and revocation of the agreement shall be governed by  
36 suspension and revocation regulations adopted by the department.

37 **Comment.** Section 64040 continues former Fish and Game Code Section 2089.18 without  
38 substantive change.

1    **§ 64045. Liability**

2       64045. (a) Nothing in this section or Section 64010 creates a duty of care or a  
3 ground of liability for injury to person or property.

4       (b) Notwithstanding any other law, the landowner is not required to do either of  
5 the following:

6       (1) Maintain enrolled land or water, or land or water proposed to be enrolled in  
7 an agreement, in a condition that is safe for access, entry, or use by the  
8 department, its contractors, or agents for purposes of providing access pursuant to  
9 subdivision (a) of Section 64010.

10       (2) Provide to the department, its contractors, or agents, any warning of a  
11 hazardous condition, use, structure, or activity on enrolled land or water, or land or  
12 water proposed to be enrolled in an agreement, for purposes of providing access  
13 pursuant to subdivision (a) of Section 64010.

14       (c) Notwithstanding any other law, the landowner shall not be liable for any  
15 injury, and does not owe a duty of care, to the department, its contractors, or  
16 agents resulting from any act or omission described in paragraph (1) or (2) of  
17 subdivision (b).

18       (d) The provision of access to land pursuant to subdivision (a) of Section 64010  
19 shall not be construed as any of the following:

20       (1) An assurance that the land or water is safe.

21       (2) A grant to the person accessing the land or water of a legal status for which  
22 the landowner would owe a duty of care.

23       (3) An assumption of responsibility or liability for any injury to a person or  
24 property caused by any act of the person to whom access to the land or water is  
25 provided.

26       (e) Notwithstanding subdivisions (b), (c), and (d), this section shall not be  
27 construed to limit a landowner's liability for an injury under either of the  
28 following circumstances:

29       (1) Willful or malicious failure to guard or warn against a dangerous condition,  
30 use, structure, or activity on the land or water.

31       (2) Express invitation to a person by the landowner to access the land or water,  
32 in a manner that is beyond the access required to be provided pursuant to  
33 subdivision (a) of Section 64010.

34       **Comment.** Section 64045 continues former Fish and Game Code Section 2089.20(d)-(e)  
35 without substantive change.

36    **§ 64050. Neighboring landowner**

37       64050. (a) A landowner that owns land that abuts a property enrolled in a state  
38 safe harbor agreement shall not be required, for purposes of an incidental take  
39 permit, to undertake the management activities set forth in the state safe harbor  
40 agreement, if all of the following conditions are met:

41       (1) The neighboring landowner allows the department to determine baseline  
42 conditions on the property.

1 (2) The neighboring landowner agrees to maintain the baseline conditions for  
2 the duration specified in the safe harbor agreement.

3 (3) The department determines that allowing the neighboring landowner to  
4 receive an incidental take permit for the abutting property does not undermine the  
5 net conservation benefit determination made by the department in the approval of  
6 the safe harbor agreement.

7 (4) The take authorized by the department will not jeopardize the continued  
8 existence of the species. This determination shall be made in accordance with  
9 subdivision (b) of Section 62700.

10 (b) Unless the department determines that it is inappropriate to do so based on  
11 the species listed in the permit, or any other factors, the neighboring landowner  
12 shall provide the department with at least 60 days' advance notice of any of the  
13 following:

14 (1) Any incidental take that is anticipated to occur under the permit.

15 (2) The neighboring landowner's plan to return to baseline conditions.

16 (3) Any plan to transfer or alienate the neighboring landowner's interest in the  
17 land or water.

18 (c) If the department receives any notice described in subdivision (b), the  
19 neighboring landowner shall provide the department, its contractors, or agents  
20 with access to the land or water for purposes of safely removing or salvaging the  
21 species.

22 (d) The department shall provide notice to the neighboring landowner at least  
23 seven days before accessing the land or water for the purposes of subdivision (c).  
24 The notice shall identify each person selected by the department, its contractors, or  
25 agents to access the land or water.

26 (e) Notwithstanding subdivision (d), during the seven-day notice period, the  
27 neighboring landowner may object, in writing, to a person selected to access the  
28 land or water. If the neighboring landowner objects, another person shall be  
29 selected by the department, its contractors, or agents, and notification shall be  
30 provided to the neighboring landowner pursuant to subdivision (d). However, if  
31 the neighboring landowner objects to a selection on two successive occasions, the  
32 neighboring landowner shall be deemed to consent to access to the land or water  
33 by a person selected by the department, its contractors, or agents. Failure by the  
34 neighboring landowner to object to the selection within the seven-day notice  
35 period shall be deemed consent to access the land or water by the person selected  
36 by the department, its contractors, or agents.

37 **Comment.** Section 64050 continues former Fish and Game Code Section 2089.23 without  
38 substantive change.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

TITLE 6. FUNDING

**§ 64100. Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account**

64100. The department shall pay the costs of administration of this part from the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund.

**Comment.** Section 64100 continues former Fish and Game Code Section 2098 without substantive change.

TITLE 7. ENFORCEMENT

**§ 64150. Penalty for violation of part**

64150. Except as otherwise provided in Section 597 of the Penal Code, the punishment for a violation of any provision of this part is a fine of not more than five thousand dollars (\$5,000) or imprisonment in the county jail for not more than one year, or both the fine and imprisonment.

**Comment.** Section 64150 continues former Fish and Game Code Section 12008(a) without substantive change.

**§ 64155. Penalty for violation of specified provisions**

64155. (a) Notwithstanding Section 4400 or 64150, the punishment for any violation of Section 62600 or 62605 is a fine of not less than twenty-five thousand dollars (\$25,000) or more than fifty thousand dollars (\$50,000) for each violation or imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

**Comment.** Section 64155 continues former Fish and Game Code Section 12008.1(a) without substantive change.

**Note.** Existing Section 12008.1 begins with the disclaimer, “Notwithstanding Section 12002....” The only provision of Section 12002 that appears to be relevant to the purpose of that reference is Section 12002(a). Proposed Section 64155 would refer to the section that continues Section 12002(a). **The Commission invites Comment on whether that revision would be problematic.**

**§ 64160. Deposit of fines and forfeitures**

64160. Notwithstanding any other law, the moneys collected from any fine or forfeiture imposed or collected for violating this part shall be deposited as follows:

(a) One-half in the Endangered Species Permitting Account established pursuant to Section 63635.

(b) One-half in the county treasury of the county in which the violation occurred. The board of supervisors shall first use revenues pursuant to this section to reimburse the costs incurred by the district attorney or city attorney in

1 investigating and prosecuting the violation. Any excess revenues may be expended  
2 in accordance with Section 67525.

3 **Comment.** Section 64160 continues former Fish and Game Code Section 12008.1(b) without  
4 substantive change.

5 **PART 2. PLANNING AND MITIGATION**

6 **TITLE 1. GENERAL PROVISIONS**

7 **§ 64400. Planning and environmental compliance division**

8 64400. (a) The department shall establish an internal division with the primary  
9 purpose of performing comprehensive planning and environmental compliance  
10 services with priority given to projects involving the building of eligible  
11 renewable energy resources.

12 (b) The internal division shall ensure the timely completion of plans pursuant to  
13 the Natural Community Conservation Planning Act (Title 2 (commencing with  
14 Section 64500)).

15 (c) For purposes of this section, “eligible renewable energy resources” has the  
16 same meaning as in the California Renewables Portfolio Standard Program  
17 (Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division  
18 1 of the Public Utilities Code).

19 **Comment.** Section 64400 continues former Fish and Game Code Section 705 without  
20 substantive change.

21 **TITLE 2. NATURAL COMMUNITY**  
22 **CONSERVATION PLANNING ACT**

23 **CHAPTER 1. GENERAL PROVISIONS**

24 **§ 64500. Short title**

25 64500. This title shall be known, and may be cited, as the Natural Community  
26 Conservation Planning Act.

27 **Comment.** Section 64500 continues former Fish and Game Code Section 2800 without  
28 substantive change.

29 **§ 64505. Findings and declarations**

30 64505. The Legislature finds and declares all of the following:

31 (a) The continuing population growth in California will result in increasing  
32 demands for dwindling natural resources and result in the continuing decline of the  
33 state’s wildlife.

1 (b) There is a need for broad-based planning to provide for effective protection  
2 and conservation of the state’s wildlife heritage while continuing to allow  
3 appropriate development and growth.

4 (c) Natural community conservation planning is an effective tool in protecting  
5 California’s natural diversity while reducing conflicts between protection of the  
6 state’s wildlife heritage and reasonable use of natural resources for economic  
7 development.

8 (d) Natural community conservation planning promotes coordination and  
9 cooperation among public agencies, landowners, and other private interests,  
10 provides a mechanism by which landowners and development proponents can  
11 effectively address cumulative impact concerns, promotes conservation of  
12 unfragmented habitat areas, promotes multispecies and multihabitat management  
13 and conservation, provides one option for identifying and ensuring appropriate  
14 mitigation that is roughly proportional to impacts on fish and wildlife, and  
15 promotes the conservation of broad-based natural communities and species  
16 diversity.

17 (e) Natural community conservation planning can provide for efficient use and  
18 protection of natural and economic resources while promoting greater sensitivity  
19 to important elements of the state’s critical natural diversity.

20 (f) Natural community conservation planning is a voluntary and effective  
21 planning process that can facilitate early coordination to protect the interests of the  
22 state, the federal government, and local public agencies, landowners, and other  
23 private parties.

24 (g) Natural community conservation planning is a mechanism that can provide  
25 an early planning framework for proposed development projects within the  
26 planning area in order to avoid, minimize, and compensate for project impacts to  
27 wildlife.

28 (h) Natural community conservation planning is consistent with, and will  
29 support, the fish and wildlife management activities of the department in its role as  
30 the trustee for fish and wildlife within the state.

31 (i) The purpose of natural community conservation planning is to sustain and  
32 restore those species and their habitat identified by the department that are  
33 necessary to maintain the continued viability of those biological communities  
34 impacted by human changes to the landscape.

35 (j) Natural community conservation planning is a cooperative process that often  
36 involves local, state, and federal agencies and the public, including landowners  
37 within the plan area. The process should encourage the active participation and  
38 support of landowners and others in the conservation and stewardship of natural  
39 resources in the plan area during plan development using appropriate measures,  
40 including incentives.

41 **Comment.** Section 64505 continues former Fish and Game Code Section 2801 without  
42 substantive change.

1    **§ 64510. Further findings and declarations**

2       64510. The Legislature further finds and declares that it is the policy of the state  
3 to conserve, protect, restore, and enhance natural communities. It is the intent of  
4 the Legislature to acquire a fee or less than fee interest in lands consistent with  
5 approved natural community conservation plans and to provide assistance with the  
6 implementation of those plans.

7       **Comment.** Section 64510 continues former Fish and Game Code Section 2802 without  
8 substantive change.

9    **§ 64515. Definitions**

10       64515. The definitions in this section govern the construction of this title:

11       (a) “Adaptive management” means to use the results of new information  
12 gathered through the monitoring program of the plan and from other sources to  
13 adjust management strategies and practices to assist in providing for the  
14 conservation of covered species.

15       (b) “Candidate species” has the same meaning as defined in Section 62105.

16       (c) “Changed circumstances” are reasonably foreseeable circumstances that  
17 could affect a covered species or geographic area covered by the plan.

18       (d) “Conserve,” “conserving,” and “conservation” mean to use, and the use of,  
19 methods and procedures within the plan area that are necessary to bring any  
20 covered species to the point at which the measures provided pursuant to Part 1  
21 (commencing with Section 62000) are not necessary, and for covered species that  
22 are not listed pursuant to Part 1 (commencing with Section 62000), to maintain or  
23 enhance the condition of a species so that listing pursuant to Part 1 (commencing  
24 with Section 62000) will not become necessary.

25       (e) “Covered species” means those species, both listed pursuant to Part 1  
26 (commencing with Section 62000) and nonlisted, conserved and managed under  
27 an approved natural community conservation plan and that may be authorized for  
28 take. Notwithstanding Title 5 (commencing with Section 30200) of Part 3 of  
29 Division 8, Title 4 (commencing with Section 32700) of Part 3 of Division 9, and  
30 Sections 38200, 52200, 53000, fully protected species may be covered species  
31 pursuant to this subdivision, and taking of fully protected species may be  
32 authorized pursuant to Section 64605 for any fully protected species conserved  
33 and managed as a covered species under an approved natural community  
34 conservation plan.

35       (f) “Department assurance” means the department’s commitment pursuant to  
36 Section 64610.

37       (g) “Monitoring program” means a program within an approved natural  
38 community conservation plan that provides periodic evaluations of monitoring  
39 results to assess the adequacy of the mitigation and conservation strategies or  
40 activities and to provide information to direct the adaptive management program.  
41 The monitoring program shall, to the extent practicable, also be used to meet the

1 monitoring requirements of Section 21081.6 of the Public Resources Code. A  
2 monitoring program includes all of the following:

3 (1) Surveys to determine the status of biological resources addressed by the  
4 plan, including covered species.

5 (2) Periodic accountings and assessment of authorized take.

6 (3) Progress reports on all of the following matters:

7 (A) Establishment of habitat reserves or other measures that provide equivalent  
8 conservation of covered species and providing funding where applicable.

9 (B) Compliance with the plan and the implementation agreement by the wildlife  
10 agencies, local governments, and landowners who have responsibilities under the  
11 plan.

12 (C) Measurements to determine if mitigation and conservation measures are  
13 being implemented roughly proportional in time and extent to the impact on  
14 habitat or covered species authorized under the plan.

15 (D) Evaluation of the effectiveness of the plan in meeting the conservation  
16 objectives of the plan.

17 (E) Maps of land use changes in the plan area that may affect habitat values or  
18 covered species.

19 (4) A schedule for conducting monitoring activities.

20 (h) “Natural community conservation plan” or “plan” means the plan prepared  
21 pursuant to a planning agreement entered into in accordance with Section 64555.  
22 The plan shall identify and provide for those measures necessary to conserve and  
23 manage natural biological diversity within the plan area while allowing compatible  
24 and appropriate economic development, growth, and other human uses.

25 (i) “Person” has the same meaning as defined in subdivision (i) of Section 9100.

26 (j) (1) “Plan participant,” prior to approval of a natural community conservation  
27 plan and execution of an implementation agreement, means a signatory to the  
28 planning agreement.

29 (2) Upon approval of a natural community conservation plan and execution of  
30 an implementation agreement, “plan participant” means the permittees and any  
31 local agency that is a signatory to the implementing agreement.

32 (k) “Unforeseen circumstances” means changes affecting one or more species,  
33 habitat, natural community, or the geographic area covered by a conservation plan  
34 that could not reasonably have been anticipated at the time of plan development,  
35 and that result in a substantial adverse change in the status of one or more covered  
36 species.

37 (l) “Wildlife” has the same meaning as defined in Section 800.

38 (m) “Wildlife agencies” means the department and one or both of the following:

39 (1) United States Fish and Wildlife Service.

40 (2) National Marine Fisheries Service.

41 **Comment.** Section 64515 continues former Fish and Game Code Section 2805 without  
42 substantive change.



1 limited to, those species listed pursuant to Title 2 (commencing with Section  
2 62200) of Part 1.

3 **Comment.** Section 64555 continues the first sentence of former Fish and Game Code Section  
4 2810(a) without substantive change.

5 **§ 64560. Agreement requirements**

6 64560. A planning agreement entered into pursuant to Section 64555 shall meet  
7 all of the following conditions:

8 (a) The agreement shall be binding upon the department, other participating  
9 federal, state, and local agencies, and participating private landowners.

10 (b) The agreement shall define the geographic scope of the conservation  
11 planning area.

12 (c) The agreement shall identify a preliminary list of those natural communities,  
13 and the endangered, threatened, candidate, or other species known, or reasonably  
14 expected to be found, in those communities, that are intended to be the initial  
15 focus of the plan.

16 (d) The agreement shall identify preliminary conservation objectives for the  
17 planning area.

18 (e) The agreement shall establish a process for the inclusion of independent  
19 scientific input to assist the department and plan participants, and to do all of the  
20 following:

21 (1) Recommend scientifically sound conservation strategies for species and  
22 natural communities proposed to be covered by the plan.

23 (2) Recommend a set of reserve design principles that addresses the needs of  
24 species, landscapes, ecosystems, and ecological processes in the planning area  
25 proposed to be addressed by the plan.

26 (3) Recommend management principles and conservation goals that can be used  
27 in developing a framework for the monitoring and adaptive management  
28 component of the plan.

29 (4) Identify data gaps and uncertainties so that risk factors can be evaluated.

30 (f) The agreement shall require coordination with federal wildlife agencies with  
31 respect to the federal Endangered Species Act (16 U.S.C. Sec. 1531 et seq.).

32 (g) The agreement shall encourage concurrent planning for wetlands and waters  
33 of the United States.

34 (h) The agreement shall establish an interim process during plan development  
35 for project review wherein discretionary projects within the plan area subject to  
36 Division 13 (commencing with Section 21000) of the Public Resources Code that  
37 potentially conflict with the preliminary conservation objectives in the planning  
38 agreement are reviewed by the department prior to, or as soon as possible after the  
39 project application is deemed complete pursuant to Section 65943 of the  
40 Government Code and the department recommends mitigation measures or project  
41 alternatives that would help achieve the preliminary conservation objectives. As  
42 part of this process, information developed pursuant to subdivision (e) of Section

1 64560 shall be taken into consideration by the department and plan participants.  
2 Any take of candidate, threatened, or endangered species that occurs during this  
3 interim period shall be included in the analysis of take to be authorized under an  
4 approved plan. Nothing in this subdivision is intended to authorize take of  
5 candidate, protected, or endangered species.

6 (i) The agreement shall establish a process for public participation throughout  
7 the plan development and review pursuant to Section 64570.

8 (j) The agreement shall include a provision specifying the amount of  
9 compensation, if any, payable to the department pursuant to Section 64530.

10 **Comment.** Subdivisions (a) through (i) of Section 64560 continues former Fish and Game  
11 Code Section 2810(b) without substantive change.

12 Subdivision (j) continues the second sentence of former Fish and Game Code Section 2810(a)  
13 without substantive change.

14 **§ 64565. Implementation agreement**

15 64565. A natural community conservation plan approved pursuant to Section  
16 64580 shall include an implementation agreement that contains all of the  
17 following:

18 (a) Provisions defining species coverage, including any conditions of coverage.

19 (b) Provisions for establishing the long-term protection of any habitat reserve or  
20 other measures that provide equivalent conservation of covered species.

21 (c) Specific terms and conditions, which, if violated, would result in the  
22 suspension or revocation of the permit, in whole or in part. The department shall  
23 include a provision requiring notification to the plan participant of a specified  
24 period of time to cure any default prior to suspension or revocation of the permit  
25 in whole or in part. These terms and conditions shall address, but are not limited  
26 to, provisions specifying the actions the department shall take under all of the  
27 following circumstances:

28 (1) If the plan participant fails to provide adequate funding.

29 (2) If the plan participant fails to maintain the rough proportionality between  
30 impacts on habitat or covered species and conservation measures.

31 (3) If the plan participant adopts, amends, or approves any plan or project  
32 without the concurrence of the wildlife agencies that is inconsistent with the  
33 objectives and requirements of the approved plan.

34 (4) If the level of take exceeds that authorized by the permit.

35 (d) Provisions specifying procedures for amendment of the plan and the  
36 implementation agreement.

37 (e) Provisions ensuring implementation of the monitoring program and adaptive  
38 management program.

39 (f) Provisions for oversight of plan implementation for purposes of assessing  
40 mitigation performance, funding, and habitat protection measures.

41 (g) Provisions for periodic reporting to the wildlife agencies and the public for  
42 purposes of information and evaluation of plan progress.

1 (h) Mechanisms to ensure adequate funding to carry out the conservation actions  
2 identified in the plan.

3 (i) Provisions to ensure that implementation of mitigation and conservation  
4 measures on a plan basis is roughly proportional in time and extent to the impact  
5 on habitat or covered species authorized under the plan. These provisions shall  
6 identify the conservation measures, including assembly of reserves where  
7 appropriate and implementation of monitoring and management activities, that  
8 will be maintained or carried out in rough proportion to the impact on habitat or  
9 covered species and the measurements that will be used to determine if this is  
10 occurring.

11 **Comment.** Section 64565 continues former Fish and Game Code Section 2820(b) without  
12 substantive change.

13 **§ 64570. Public participation in plan development and review**

14 64570. The department shall establish, in cooperation with the parties to the  
15 planning agreement, a process for public participation throughout plan  
16 development and review to ensure that interested persons, including landowners,  
17 have an adequate opportunity to provide input to lead agencies, state and federal  
18 wildlife agencies, and others involved in preparing the plan. The public  
19 participation objectives of this section may be achieved through public working  
20 groups or advisory committees, established early in the process. This process shall  
21 include all of the following:

22 (a) A requirement that draft documents associated with a natural community  
23 conservation plan that are being considered for adoption by the plan lead agency  
24 shall be available for public review and comment for at least 60 days prior to the  
25 adoption of that draft document. Preliminary public review documents shall be  
26 made available by the plan lead agency at least 10 working days prior to any  
27 public hearing addressing these documents. The review period specified in this  
28 subdivision may run concurrently with the review period provided for any  
29 document required by the California Environmental Quality Act (Division 13  
30 (commencing with Section 21000) of the Public Resources Code) that is  
31 associated with the natural community conservation plan. This subdivision shall  
32 not be construed to limit the discretion of a public agency to revise any draft  
33 documents at a public hearing.

34 (b) A requirement to make available in a reasonable and timely manner all draft  
35 plans, memoranda of understanding, maps, conservation guidelines, species  
36 coverage lists, and other planning documents associated with a natural community  
37 conservation plan that are subject to public review.

38 (c) A requirement that all public hearings held during plan preparation or review  
39 for approval are complementary to, or integrated with, those hearings otherwise  
40 provided by law.

41 (d) An outreach program to provide access to information for persons interested  
42 in the plan, including landowners, with an emphasis on obtaining input from a

1 balanced variety of affected public and private interests, including state and local  
2 governments, county agricultural commissioners, agricultural organizations,  
3 landowners, conservation organizations, and the general public.

4 **Comment.** Section 64570 continues former Fish and Game Code Section 2815 without  
5 substantive change.

6 **§ 64575. Public review prior to approval**

7 64575. Prior to department approval of the planning agreement, the public shall  
8 have 21 calendar days to review and comment on the proposed planning  
9 agreement.

10 **Comment.** Section 64575 continues former Fish and Game Code Section 2810(d) without  
11 substantive change.

12 **§ 64580. Plan approval**

13 64580. The department shall approve a natural community conservation plan for  
14 implementation after making the following findings, based upon substantial  
15 evidence in the record:

16 (a) The plan has been developed consistent with the process identified in the  
17 planning agreement entered into pursuant to Section 64555.

18 (b) The plan integrates adaptive management strategies that are periodically  
19 evaluated and modified based on the information from the monitoring program  
20 and other sources, which will assist in providing for the conservation of covered  
21 species and ecosystems within the plan area.

22 (c) The plan provides for the protection of habitat, natural communities, and  
23 species diversity on a landscape or ecosystem level through the creation and long-  
24 term management of habitat reserves or other measures that provide equivalent  
25 conservation of covered species appropriate for land, aquatic, and marine habitats  
26 within the plan area.

27 (d) The development of reserve systems and conservation measures in the plan  
28 area provides, as needed for the conservation of species, all of the following:

29 (1) Conserving, restoring, and managing representative natural and seminatural  
30 landscapes to maintain the ecological integrity of large habitat blocks, ecosystem  
31 function, and biological diversity.

32 (2) Establishing one or more reserves or other measures that provide equivalent  
33 conservation of covered species within the plan area and linkages between them  
34 and adjacent habitat areas outside of the plan area.

35 (3) Protecting and maintaining habitat areas that are large enough to support  
36 sustainable populations of covered species.

37 (4) Incorporating a range of environmental gradients (such as slope, elevation,  
38 aspect, and coastal or inland characteristics) and high habitat diversity to provide  
39 for shifting species distributions due to changed circumstances.

1 (5) Sustaining the effective movement and interchange of organisms between  
2 habitat areas in a manner that maintains the ecological integrity of the habitat areas  
3 within the plan area.

4 (e) The plan identifies activities, and any restrictions on those activities, allowed  
5 within reserve areas that are compatible with the conservation of species, habitats,  
6 natural communities, and their associated ecological functions.

7 (f) The plan contains specific conservation measures that meet the biological  
8 needs of covered species and that are based upon the best available scientific  
9 information regarding the status of covered species and the impacts of permitted  
10 activities on those species.

11 (g) The plan contains a monitoring program.

12 (h) The plan contains an adaptive management program.

13 (i) The plan includes the estimated timeframe and process by which the reserves  
14 or other conservation measures are to be implemented, including obligations of  
15 landowners and plan signatories and consequences of the failure to acquire lands  
16 in a timely manner.

17 (j) The plan contains provisions that ensure adequate funding to carry out the  
18 conservation actions identified in the plan.

19 **Comment.** Section 64580 continues former Fish and Game Code Section 2820(a) without  
20 substantive change.

21 **§ 64585. Approval of agreement not a “project”**

22 64585. The approval of a planning agreement is not a project pursuant to  
23 Division 13 (commencing with Section 21000) of the Public Resources Code.

24 **Comment.** Section 64585 continues former Fish and Game Code Section 2810(c) without  
25 substantive change.

26 **CHAPTER 3. IMPLEMENTATION**

27 **§ 64600. Department actions**

28 64600. Concurrent with the approval by the department of a final natural  
29 community conservation plan, the department shall do both of the following:

30 (a) Establish a list of species that are authorized for take pursuant to Section  
31 64605 and the department shall make specific findings to support coverage  
32 pursuant to Sections 64565 and 64580. For purposes of determining whether a  
33 species should receive coverage under a plan, the department shall use, in addition  
34 to the standards required for the adoption of a plan, one or more of the following  
35 criteria:

36 (1) Coverage is warranted based upon regional or landscape level consideration,  
37 such as healthy population levels, widespread distribution throughout the plan  
38 area, and life history characteristics that respond to habitat-scale conservation and  
39 management actions.

1 (2) Coverage is warranted based on regional or landscape level considerations  
2 with site specific conservation and management requirements that are clearly  
3 identified in the plan for species that are generally well-distributed, but that have  
4 core habitats that must be conserved.

5 (3) Coverage is warranted based upon site specific considerations and the  
6 identification of specific conservation and management conditions for species  
7 within a narrowly defined habitat or limited geographic area within the plan area.

8 (b) Find that the mitigation measures specified in the plan and imposed by the  
9 plan participants are consistent with subdivision (d) of Section 64505.

10 **Comment.** Section 64600 continues former Fish and Game Code Section 2821 without  
11 substantive change.

12 **Note.** Existing Section 2821 requires the department to “make specific findings to support  
13 coverage pursuant to Section 2820.” Section 2820 is a long section that addresses many aspects of  
14 the approval and implementation of a natural community conservation plan. In proposed Section  
15 64600(a), the reference is revised to refer to the provisions that seem most relevant to the purpose  
16 of the reference: proposed Sections 64565 and 64580. **The Commission invites comment on  
17 whether that change would cause any problems.**

18 **§ 64605. Authorized take**

19 64605. At the time of plan approval, the department may authorize by permit the  
20 taking of any covered species, including species designated as fully protected  
21 species pursuant to Title 5 (commencing with Section 30200) of Part 3 of Division  
22 8, Title 4 (commencing with Section 32700) of Part 3 of Division 9, or Sections  
23 38200, 52200, and 53000, whose conservation and management is provided for in  
24 a natural community conservation plan approved by the department.

25 **Comment.** Section 64605 continues former Fish and Game Code Section 2835 without  
26 substantive change.

27 **§ 64610. Assurances**

28 64610. The department may provide assurances for plan participants  
29 commensurate with long-term conservation assurances and associated  
30 implementation measures pursuant to the approved plan.

31 (a) When providing assurances pursuant to this section, the department’s  
32 determination of the level of assurances and the time limits specified in the  
33 implementation agreement for assurances may be based on localized conditions  
34 and shall consider all of the following:

35 (1) The level of knowledge of the status of the covered species and natural  
36 communities.

37 (2) The adequacy of analysis of the impact of take on covered species.

38 (3) The use of the best available science to make assessments about the impacts  
39 of take, the reliability of mitigation strategies, and the appropriateness of  
40 monitoring techniques.

1 (4) The appropriateness of the size and duration of the plan with respect to  
2 quality and amount of data.

3 (5) The sufficiency of mechanisms for long-term funding of all components of  
4 the plan and contingencies.

5 (6) The degree of coordination and accessibility of centralized data for analysis  
6 and evaluation of the effectiveness of the plan.

7 (7) The degree to which a thorough range of foreseeable circumstances are  
8 considered and provided for under the adaptive management program.

9 (8) The size and duration of the plan.

10 (b) If there are unforeseen circumstances, additional land, water, or financial  
11 compensation or additional restrictions on the use of land, water, or other natural  
12 resources shall not be required without the consent of plan participants for a period  
13 of time specified in the implementation agreement, unless the department  
14 determines that the plan is not being implemented consistent with the substantive  
15 terms of the implementation agreement.

16 **Comment.** Section 64610 continues former Fish and Game Code Section 2820(f) without  
17 substantive change.

18 **§ 64615. No effect on application of CEQA**

19 64615. Nothing in this title exempts a project proposed in a natural community  
20 conservation planning area from Division 13 (commencing with Section 21000) of  
21 the Public Resources Code or otherwise alters or affects the applicability of that  
22 division.

23 **Comment.** Section 64615 continues former Fish and Game Code Section 2826 without  
24 substantive change.

25 **§ 64620. CEQA analysis**

26 64620. To the extent provided pursuant to Division 13 (commencing with  
27 Section 21000) of the Public Resources Code and any guidelines adopted pursuant  
28 thereto, if the impacts on one or more covered species and its habitat are analyzed  
29 and mitigated pursuant to a program environmental impact report for a plan  
30 adopted pursuant to this title, a plan participant that is a lead agency or a  
31 responsible agency under that division shall incorporate in the review of any  
32 subsequent project in the plan area the feasible mitigation measures and  
33 alternatives related to the biological impacts on covered species and their habitat  
34 developed in the program environmental impact report.

35 **Comment.** Section 64620 continues former Fish and Game Code Section 2820(e) without  
36 substantive change.

37 **§ 64625. Data and reports available for public review**

38 64625. Any data and reports associated with the monitoring program required by  
39 Sections 64565 and 64580 shall be available for public review. The entity  
40 managing the plan shall also conduct public workshops on an annual basis to

1 provide information and evaluate progress toward attaining the conservation  
2 objectives of the plan.

3 **Comment.** Section 64625 continues former Fish and Game Code Section 2820(d) without  
4 substantive change.

5 **§ 64630. Use of conservation corps**

6 64630. To the extent practicable, implementation of natural community  
7 conservation plans shall use the services of either the California Conservation  
8 Corps or local community conservation corps.

9 **Comment.** Section 64630 continues former Fish and Game Code Section 2827 without  
10 substantive change.

11 **§ 64635. Injunctive relief**

12 64635. The department may seek injunctive relief against any plan participant,  
13 person, or entity to enforce this title.

14 **Comment.** Section 64635 continues former Fish and Game Code Section 2822 without  
15 substantive change.

16 **§ 64640. Suspension of take or revocation of permit**

17 64640. The department shall suspend or revoke any permit, in whole or in part,  
18 issued for the take of a species subject to Section 64605 if the continued take of  
19 the species would result in jeopardizing the continued existence of the species.

20 **Comment.** Section 64640 continues former Fish and Game Code Section 2823 without  
21 substantive change.

22 **§ 64645. Breach of proportionality between take and conservation**

23 64645. If a plan participant does not maintain the proportionality between take  
24 and conservation measures specified in the implementation agreement and does  
25 not either cure the default within 45 days or enter into an agreement with the  
26 department within 45 days to expeditiously cure the default, the department shall  
27 suspend or revoke the permit, in whole or in part.

28 **Comment.** Section 64645 continues former Fish and Game Code Section 2820(c) without  
29 substantive change.

30 **§ 64650. Local government authority to acquire land or water**

31 64650. Nothing in this title prohibits a local government from exercising any  
32 power or authority granted to it pursuant to state law to acquire land or water to  
33 implement a plan.

34 **Comment.** Section 64650 continues former Fish and Game Code Section 2828 without  
35 substantive change.

1    **§ 64655. Effect on take in specified circumstances**

2       64655. Nothing in this title prohibits the taking or the incidental take of any  
3 identified species if the taking is authorized by the department pursuant to any of  
4 the following:

5       (a) A natural community conservation plan or amended plan approved by the  
6 department prior to January 1, 2002. Any permits, plans, implementation  
7 agreements, and amendments to those permits, plans, or implementation  
8 agreements described in this section are deemed to be in full force and effect as of  
9 the date approved or entered into by the parties insofar as they authorize the take  
10 of identified species pursuant to an approved natural community conservation plan  
11 and shall be governed solely by former Chapter 10 (commencing with Section  
12 2800) of Division 3 of the Fish and Game Code as it read on December 31, 2001.

13       (b) Any natural community conservation plan, or subarea plan, approved, or  
14 amended on or after January 1, 2002, for which a planning or enrollment  
15 agreement meets any of the following criteria, which shall be solely governed in  
16 accordance with former Chapter 10 (commencing with Section 2800) of Division  
17 3 of the Fish and Game Code as it read on December 31, 2001:

18       (1) The natural community conservation plan was entered into between the  
19 department and plan participants prior to January 1, 2001, and is carried out  
20 pursuant to Rule 4(d) for the California Gnatcatcher (Federal Register Volume 58,  
21 December 10, 1993), including the southern subregion of Orange County.

22       (2) The natural community conservation plan was prepared pursuant to the  
23 planning agreement for the San Diego Multiple Species Conservation Plan.

24       (3) The natural community conservation plan was prepared pursuant to the  
25 planning agreement for the San Diego Multiple Habitat Conservation Plan.

26       (c) Any programmatic natural community conservation plan approved by the  
27 department on or before January 1, 2002.

28       (d) Any natural community conservation plan developed pursuant to a planning  
29 or enrollment agreement executed on or before January 1, 2001, and for which the  
30 department finds that the plan has been developed using a public participation and  
31 scientific analysis process substantially in conformance with the intent of  
32 subdivision (e) of Section 64560 and Section 64570.

33       (e) Any natural community conservation plan developed pursuant to a planning  
34 agreement executed on or before January 1, 2002, and which the department finds  
35 is in substantial compliance with Sections 64565, 64580, 64610, 64620, 64625,  
36 64645.

37       (f) (1) Any natural community conservation plan or subarea plan initiated on or  
38 before January 1, 2000, or amendments thereto, by Sweetwater Authority, Helix  
39 Water District, Padre Dam Municipal Water District, Santa Fe Irrigation District,  
40 or the San Diego County Water Authority, which the department determines is  
41 consistent with the approved San Diego Multiple Habitat Conservation Program or  
42 the San Diego Multiple Species Conservation Program, is exempt from Sections  
43 64555, 64560, 64575, and 64585, and subdivision (a) of Section 64580, except as

1 provided in paragraph (2), if the department finds that the plan has been developed  
2 and is otherwise in conformance with this title.

3 (2) The public water agencies identified in this subdivision and the department  
4 shall include independent scientific input as described in paragraphs (1) to (4),  
5 inclusive, of subdivision (e) of Section 64560 into the proposed plans in a manner  
6 that focuses on the covered species that are proposed for take authorization and  
7 that are not otherwise covered in the San Diego Multiple Species Conservation  
8 Program or the San Diego Multiple Habitat Conservation Program.

9 (3) The scientific input required by paragraph (2) shall be based on the best and  
10 most current scientific data generally available, and shall assure that  
11 documentation for coverage of all species is equal or greater than the San Diego  
12 Multiple Habitat Conservation Program.

13 **Comment.** Section 64655 continues former Fish and Game Code Section 2830 without  
14 substantive change.

15 **Notes.** (1) Existing Section 2830(e) refers to a “natural community conservation plan  
16 developed pursuant to a planning agreement executed on or before January 1, 2002, and which  
17 the department finds is in substantial compliance with Section 2820.” It is not certain which parts  
18 of Section 2820 are relevant to the purpose of that reference. Out of caution, proposed Section  
19 64655(e) refers to every provision of the proposed law that would continue part of existing  
20 Section 2820. **The Commission invites comment on whether that approach is overbroad and,  
21 if so, which provisions can be dropped from the reference.**

22 (2) Existing Section 2830(f)(1) provides that certain entities are “exempt from Section 2810.”  
23 It is not certain which parts of Section 2810 are relevant to the purpose of that reference. Out of  
24 caution, proposed Section 64655(f)(1) refers to every provision of the proposed law that would  
25 continue part of existing Section 2810. **The Commission invites comment on whether that  
26 approach is overbroad and, if so, which provisions can be dropped from the reference.**

27 **§ 64660. San Diego dedication of open space**

28 64660. (a) Notwithstanding any other provision of law, lands designated as of  
29 January 1, 2013, as open-space lands in a document entitled “Declaration of the  
30 Dedication of Land” approved by a resolution of the San Diego City Council in  
31 the same manner in which the city council processes approval of dedicated open  
32 space, reserving to the city council the authority to grant easements for utility  
33 purposes in, under, and across dedicated property, if those easements and facilities  
34 to be located thereon do not significantly interfere with the park and recreational  
35 use of the property, and filed with the Office of the City Clerk for the City of San  
36 Diego, and, if required, at the Office of the County of San Diego  
37 Assessor/Recorder/County Clerk, are dedicated land under the City Charter of the  
38 City of San Diego.

39 (b) Upon filing of that document in accordance with subdivision (a), the Office  
40 of the City Clerk for the City of San Diego, and, if applicable, the Office of the  
41 County of San Diego Assessor/Recorder/County Clerk shall make the document  
42 available for inspection by the public upon request.

43 **Comment.** Section 64660 continues former Fish and Game Code Section 2831 without  
44 substantive change.

1 **Note.** Existing Section 2831 does not have any obvious connection to Natural Community  
2 Conservation Planning. **The Commission invites comment on whether this section would be**  
3 **better located elsewhere (and if so, where).**

4 TITLE 3. ADVANCE MITIGATION AND  
5 REGIONAL CONSERVATION INVESTMENT  
6 STRATEGIES

7 CHAPTER 1. GENERAL PROVISIONS

8 Article 1. Legislative Findings and Intent

9 § 64700. Findings and declarations

10 64700. (a) The Legislature finds and declares that it would be beneficial to  
11 identify species and habitat conservation initiatives at a regional scale, including  
12 actions to address the impacts of climate change and other wildlife stressors, in  
13 order to guide voluntary investments in conservation, and compensatory  
14 mitigation for impacts to ecological resources, including impacts to threatened and  
15 endangered species, other sensitive species, natural communities, ecological  
16 processes, and wildlife corridors.

17 (b) The purpose of this title is to promote the voluntary conservation of natural  
18 resources, including biodiversity and ecological processes, and to enhance  
19 resiliency to climate change and other threats. In order to further this goal, it is the  
20 policy of the state to encourage voluntary mechanisms to conserve biological and  
21 other ecological resources and to identify conservation actions, including actions  
22 to promote resiliency to the impacts of climate change and other stressors to  
23 species and habitat.

24 (c) It is further the policy of the state to encourage voluntary mechanisms to  
25 identify and implement advance mitigation actions that do all of the following:

26 (1) Can be used to compensate for project impacts, including, but not limited to,  
27 infrastructure and renewable energy projects, more efficiently.

28 (2) Are effective ecologically.

29 (3) Will help to conserve regionally important biological and other ecological  
30 resources.

31 (d) In enacting this title, it is the intent of the Legislature to promote science-  
32 based conservation, including actions to promote resiliency to the impacts of  
33 climate change and other stressors. It is further the intent of the Legislature to  
34 create nonregulatory mechanisms to guide investments in conservation,  
35 infrastructure, and compensatory mitigation for impacts to natural resources,  
36 including impacts to threatened and endangered species, other sensitive species,  
37 natural communities, ecological processes, and connectivity.

1 (e) In enacting this title, it is not the intent of the Legislature to regulate the use  
2 of land, establish land use designations, or to affect, limit, or restrict the land use  
3 authority of any public agency.

4 (f) Further, in enacting this title, it is not the intent of the Legislature that an  
5 approved regional conservation investment strategy would be binding on  
6 independent public agency action within the strategy’s geographic scope.

7 **Comment.** Section 64700 continues former Fish and Game Code Section 1850 without  
8 substantive change.

9 **§ 64705. Legislative intent**

10 64705. It is the intent of this title to establish requirements that provide  
11 sufficient flexibility to develop each regional conservation investment strategy  
12 based on the best available information regarding the strategy area.

13 **Comment.** Section 64705 continues former Fish and Game Code Section 1854(b) without  
14 substantive change.

15 **Article 2. Definitions**

16 **§ 64710. Application**

17 64710. The definitions in this article govern this title.

18 **Comment.** Section 64710 restates the introductory clause of former Fish and Game Code  
19 Section 1851 without substantive change.

20 **§ 64715. Administrative draft natural community conservation plan**

21 64715. “Administrative draft natural community conservation plan” means a  
22 substantially complete draft of a natural community conservation plan that is  
23 released after January 1, 2016, to the general public, plan participants, and the  
24 department.

25 **Comment.** Section 64715 continues former Fish and Game Code Section 1851(a) without  
26 substantive change.

27 **§ 64720. Areas of conservation emphasis**

28 64720. “Areas of Conservation Emphasis” means the biodiversity analysis  
29 completed by the department in 2010, or the latest update of that analysis.

30 **Comment.** Section 64720 continues former Fish and Game Code Section 1851(b) without  
31 substantive change.

32 **§ 64725. Compensatory mitigation**

33 64725. “Compensatory mitigation” means actions taken to fulfill, in whole or in  
34 part, mitigation requirements under state or federal law or a court mandate.

35 **Comment.** Section 64725 continues former Fish and Game Code Section 1851(c) without  
36 substantive change.

1    **§ 64730. Conservation action**

2       64730. “Conservation action” means an action to preserve or to restore  
3 ecological resources, including habitat, natural communities, ecological processes,  
4 and wildlife corridors, to protect those resources permanently, and to provide for  
5 their perpetual management, so as to help to achieve one or more biological goals  
6 and objectives for one or more focal species. Conservation actions may include,  
7 but are not limited to, actions to offset impacts to focal species.

8       **Comment.** Section 64730 continues former Fish and Game Code Section 1851(d) without  
9 substantive change.

10    **§ 64735. Conservation easement**

11       64735. “Conservation easement” means a perpetual conservation easement that  
12 complies with Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of  
13 Division 2 of the Civil Code.

14       **Comment.** Section 64735 continues former Fish and Game Code Section 1851(e) without  
15 substantive change.

16    **§ 64740. Focal species**

17       64740. “Focal species” means sensitive species within a regional conservation  
18 investment strategy area that are analyzed in the strategy and will benefit from  
19 conservation actions and habitat enhancement actions set forth in the strategy.

20       **Comment.** Section 64740 continues former Fish and Game Code Section 1851(f) without  
21 substantive change.

22    **§ 64745. Habitat enhancement action**

23       64745. “Habitat enhancement action” means an action to improve the quality of  
24 wildlife habitat, or to address risks or stressors to wildlife, that has long-term  
25 durability but does not involve land acquisition or the permanent protection of  
26 habitat, such as improving in-stream flows to benefit fish species, enhancing  
27 habitat connectivity, or invasive species control or eradication.

28       **Comment.** Section 64745 continues former Fish and Game Code Section 1851(g) without  
29 substantive change.

30    **§ 64750. Performance-based milestones**

31       64750. “Performance-based milestones” means specifically identified steps in  
32 the implementation of a conservation action or habitat enhancement action, such  
33 as site protection, initiating implementation, completing implementation, or  
34 achieving performance standards.

35       **Comment.** Section 64750 continues former Fish and Game Code Section 1851(h) without  
36 substantive change.

1    **§ 64755. Performance standards**

2    64755. “Performance standards” means observable or measurable physical or  
3    biological attributes that are used to determine if a conservation action or habitat  
4    enhancement action has met its objectives.

5    **Comment.** Section 64755 continues former Fish and Game Code Section 1851(i) without  
6    substantive change.

7    **§ 64760. Permanently protect**

8    64760. “Permanently protect” means doing both of the following acts:

9    (a) Recording a conservation easement, in a form approved in advance in  
10   writing by the department, or establishing perpetual protection of land in a manner  
11   consistent with draft or approved natural community conservation plans within the  
12   area of the applicable regional conservation investment strategy and approved in  
13   advance in writing by the department, that prevents development, prohibits  
14   inconsistent uses, and ensures that habitat for focal species is maintained.

15   (b) Providing secure, perpetual funding for management of the land, monitoring,  
16   and legal enforcement.

17   **Comment.** Section 64760 continues former Fish and Game Code Section 1851(j) without  
18   substantive change.

19   **§ 64765. Regional conservation assessment**

20   64765. “Regional conservation assessment” means information and analyses  
21   that document the important species, ecosystems, ecosystem processes, protected  
22   areas, and linkages within an ecoregion to provide the appropriate context for  
23   nonbinding, voluntary conservation strategies and actions. Those assessments  
24   include information for the identification of areas with greatest probability for  
25   long-term ecosystem conservation success incorporating cobenefits of ecosystem  
26   services, such as carbon, water, and agricultural lands. A regional conservation  
27   assessment may be used to provide context at an ecoregional or subcoregional  
28   scale to assist with the development of a regional conservation investment  
29   strategy.

30   **Comment.** Section 64765 continues the first three sentences of former Fish and Game Code  
31   Section 1851(k) without substantive change.

32   **§ 64770. Regional conservation investment strategy**

33   64770. “Regional conservation investment strategy” means information and  
34   analyses prepared pursuant to this title to inform nonbinding and voluntary  
35   conservation actions and habitat enhancement actions that would advance the  
36   conservation of focal species, habitat, and other natural resources and to provide  
37   nonbinding voluntary guidance for the identification of wildlife and habitat  
38   conservation priorities, investments in ecological resource conservation, or  
39   identification of locations for compensatory mitigation for impacts to species and  
40   natural resources.



1       **Comment.** Section 64810 continues former Fish and Game Code Section 1861 without  
2 substantive change.

3       **§ 64815. Report to Legislature**

4       64815. (a) The department shall submit a report to the Legislature on or before  
5 January 1, 2020, regarding the implementation of this title.

6       (b) The report required to be submitted pursuant to subdivision (a) shall be  
7 submitted in compliance with Section 9795 of the Government Code.

8       **Comment.** Section 64815 continues former Fish and Game Code Section 1859 without  
9 substantive change.

10       **§ 64820. Effect on specified statutes**

11       64820. Nothing in this title supersedes, limits, or otherwise modifies the  
12 Sacramento-San Joaquin Delta Reform Act of 2009 (Division 35 (commencing  
13 with Section 85000) of the Water Code) or Division 22.3 (commencing with  
14 Section 32300) of the Public Resources Code.

15       **Comment.** Section 64820 continues former Fish and Game Code Section 1860 without  
16 substantive change.

17                                   CHAPTER 2. REGIONAL CONSERVATION ASSESSMENT

18       **§ 64850. Voluntary**

19       64850. A regional conservation assessment is nonbinding, voluntary, and does  
20 not create, modify, or impose regulatory requirements or standards, regulate the  
21 use of land, establish land use designations, or affect the land use authority of, or  
22 the exercise of discretion by, any public agency. The preparation and use of a  
23 regional conservation assessment is voluntary.

24       **Comment.** Section 64850 continues the fourth and fifth sentences of former Fish and Game  
25 Code Section 1851(k) without substantive change.

26       **§ 64855. Proposal and approval**

27       64855. (a) A regional conservation assessment may be proposed by the  
28 department or any other public agency.

29       (b) A regional conservation assessment may be proposed by the department or  
30 any other public agency.

31       (c) The department may approve a regional conservation assessment only for the  
32 purposes of a regional conservation investment strategy pursuant to this title.

33       (d) A regional conservation assessment is not required for department approval  
34 of a regional conservation investment strategy.

35       **Comment.** Section 64855 continues former Fish and Game Code Section 1853(a) without  
36 substantive change.

1 § 64860. Requirements

2 64860. A regional conservation assessment shall do all of the following:

3 (a) Identify and summarize relevant regional pressures and stressors, including  
4 climate change vulnerability, conservation areas and habitat connectivity values,  
5 included in all of the following:

6 (1) Conservation plans, such as the State Wildlife Action Plan and approved  
7 natural community conservation plans.

8 (2) Analyses designed to identify areas of high biological diversity, such as the  
9 Areas of Conservation Emphasis.

10 (3) Analyses designed to identify areas for habitat connectivity.

11 (b) Identify the best available scientific information and analyses, including  
12 geospatial information regarding the distribution of species and natural  
13 communities.

14 (c) Use spatial analysis to identify ecological relationships between existing  
15 protected areas and conservation areas.

16 (d) Use standard or prevalent vegetation classifications and standard ecoregional  
17 classifications for terrestrial and aquatic data to enable and promote consistency  
18 among regional conservation assessments throughout California.

19 (e) Compile input and summary data in a consistent format that could be  
20 uploaded for interactive use in an Internet Web portal and that would allow  
21 stakeholders to generate queries of regional conservation values within the  
22 strategy area.

23 (f) Be consistent with administrative draft natural community conservation  
24 plans, approved natural community conservation plans, and regional habitat  
25 conservation plans, and approved recovery plans within the ecoregion or  
26 subecoregion included in the assessment.

27 (g) Consider existing major water, transportation, and transmission  
28 infrastructure facilities in the assessment area and account for reasonably  
29 foreseeable development of major infrastructure facilities, including, but not  
30 limited to, renewable energy and housing.

31 (h) Include provisions ensuring that the strategy will be in compliance with all  
32 applicable state and local requirements and does not preempt the authority of local  
33 agencies to implement infrastructure and urban development in local general  
34 plans.

35 (i) Include provisions ensuring that the assessment is consistent with and  
36 complements any approved natural community conservation plan or regional  
37 federal habitat conservation plan that overlaps with the assessment area.

38 (j) Include an explanation of whether, and to what extent, the assessment is  
39 consistent with any previously approved assessment or amended assessment, state  
40 or federal recovery plan, or other state or federal approved conservation strategy  
41 that overlaps with the assessment area.

42 **Comment.** Section 64860 continues former Fish and Game Code Section 1853(c) without  
43 substantive change.

1                   CHAPTER 3. REGIONAL CONSERVATION INVESTMENT  
2                   STRATEGY

3                   Article 1. Regional Conservation Investment Strategy Generally

4   **§ 64900. Purpose**

5       64900. The purpose of a regional conservation investment strategy shall be to  
6 inform science-based nonbinding and voluntary conservation actions and habitat  
7 enhancement actions that would advance the conservation of focal species,  
8 including the ecological processes, natural communities, and habitat connectivity  
9 upon which those focal species depend, and to provide nonbinding voluntary  
10 guidance for one or more of the following:

11       (a) Identification of wildlife and habitat conservation priorities, including  
12 actions to address the impacts of climate change and other wildlife stressors.

13       (b) Investments in resource conservation.

14       (c) Infrastructure.

15       (d) Identification of areas for compensatory mitigation for impacts to species  
16 and natural resources.

17       **Comment.** Section 64900 continues former Fish and Game Code Section 1852(b) without  
18 substantive change.

19   **§ 64905. Voluntary**

20       64905. Regional conservation investment strategies are intended to provide  
21 scientific information for the consideration of public agencies, are voluntary, and  
22 do not create, modify, or impose regulatory requirements or standards, regulate the  
23 use of land, establish land use designations, or affect the land use authority of or  
24 exercise of discretion by, any public agency. The preparation and use of regional  
25 conservation investment strategies for this guidance is voluntary.

26       **Comment.** Section 64905 continues the second and third sentences of former Fish and Game  
27 Code Section 1851(l) without substantive change.

28   **§ 64910. Content**

29       64910. A regional conservation investment strategy shall include all of the  
30 following:

31       (a) An explanation of the conservation purpose of and need for the strategy.

32       (b) The geographic area of the strategy and rationale for the selection of the  
33 area, together with a description of the surrounding ecoregions and any adjacent  
34 protected habitat areas or linkages that provide relevant context for the  
35 development of the strategy.

36       (c) The focal species included in, and their current known or estimated status  
37 within, the strategy.

1 (d) Important resource conservation elements within the strategy area, including,  
2 but not limited to, important ecological resources and processes, natural  
3 communities, habitat, habitat connectivity, and existing protected areas, and an  
4 explanation of the criteria, data, and methods used to identify those important  
5 conservation elements.

6 (e) A summary of historic, current, and projected future stressors and pressures  
7 in the strategy area, including climate change vulnerability, on the focal species,  
8 habitat, and other natural resources, as identified in the best available scientific  
9 information, including, but not limited to, the State Wildlife Action Plan.

10 (f) Consideration of major water, transportation and transmission infrastructure  
11 facilities, urban development areas, and city, county, and city and county general  
12 plan designations that accounts for reasonably foreseeable development of major  
13 infrastructure facilities, including, but not limited to, renewable energy and  
14 housing in the strategy area.

15 (g) Provisions ensuring that the strategy will be in compliance with all  
16 applicable state and local requirements and does not preempt the authority of local  
17 agencies to implement infrastructure and urban development in local general  
18 plans.

19 (h) Conservation goals and measurable objectives for the focal species and  
20 important conservation elements identified in the strategy that address or respond  
21 to the identified stressors and pressures on focal species.

22 (i) Conservation actions, including a description of the general amounts and  
23 types of habitat that, if preserved or restored and permanently protected, could  
24 achieve the conservation goals and objectives, and a description of how the  
25 conservation actions and habitat enhancement actions were prioritized and  
26 selected in relation to the conservation goals and objectives.

27 (j) Provisions ensuring that the strategy is consistent with and complements any  
28 administrative draft natural community conservation plan, approved natural  
29 community conservation plan, or federal habitat conservation plan that overlaps  
30 with the strategy area.

31 (k) An explanation of whether and to what extent the strategy is consistent with  
32 any previously approved strategy or amended strategy, state or federal recovery  
33 plan, or other state or federal approved conservation strategy that overlaps with the  
34 strategy area.

35 (l) A summary of mitigation banks and conservation banks approved by the  
36 department or the United States Fish and Wildlife Service that are located within  
37 the strategy area or whose service area overlaps with the strategy area.

38 (m) A description of how the strategy's conservation goals and objectives  
39 provide for adaptation opportunities against the effects of climate change for the  
40 strategy's focal species.

41 (n) Incorporation and reliance on, and citation of, the best available scientific  
42 information regarding the strategy area and the surrounding ecoregion, including a  
43 brief description of gaps in relevant scientific information, and use of standard or

1 prevalent vegetation classifications and standard ecoregional classifications for  
2 terrestrial and aquatic data to enable and promote consistency among regional  
3 conservation investment strategies throughout California.

4 **Comment.** Section 64910 continues former Fish and Game Code Section 1852(c) without  
5 substantive change.

6 **§ 64915. Considerations**

7 64915. In addition to considering the potential to advance the conservation of  
8 focal species, regional conservation investment strategies shall consider all of the  
9 following:

10 (a) The conservation benefits of preserving working lands for agricultural uses.

11 (b) Reasonably foreseeable development of infrastructure facilities.

12 (c) Reasonably foreseeable projects in the strategy area, including, but not  
13 limited to, housing.

14 (d) Reasonably foreseeable development for the production of renewable  
15 energy.

16 (e) Draft natural community conservation plans within the area of the applicable  
17 regional conservation investment strategy.

18 **Comment.** Section 64915 continues former Fish and Game Code Section 1852(e) without  
19 substantive change.

20 **§ 64920. Incorporation of regional conservation assessment**

21 64920. If a regional conservation assessment that encompasses the area of a  
22 proposed regional conservation investment strategy has already been approved by  
23 the department, the strategy shall explain how and to what extent it has  
24 incorporated the assessment information and analysis.

25 **Comment.** Section 64920 continues former Fish and Game Code Section 1853(b) without  
26 substantive change.

27 **§ 64925. Format**

28 64925. A regional conservation investment strategy shall compile input and  
29 summary priority data in a consistent format that could be uploaded for interactive  
30 use in an Internet Web portal and that would allow stakeholders to generate  
31 queries of regional conservation values within the strategy area.

32 **Comment.** Section 64925 continues former Fish and Game Code Section 1852(d) without  
33 substantive change.

34 **§ 64930. Consistent metrics.**

35 64930. The department shall require the use of consistent metrics that  
36 incorporate both the area and quality of habitat and other natural resources in  
37 relation to a regional conservation investment strategy's conservation objectives to  
38 measure the net change resulting from the implementation of conservation actions  
39 and habitat enhancement actions.



1 comment for a period of at least 30 days and shall notify any public agency,  
2 organization, or individual who has filed a written request to the department for  
3 notices regarding draft regional conservation strategies.

4 **Comment.** Section 64965 continues former Fish and Game Code Section 1854(c)(2) without  
5 substantive change.

6 **§ 64970. Public meeting and comment**

7 64970. (a) A public agency proposing a strategy or amended strategy shall hold  
8 a public meeting to allow interested persons and entities to receive information  
9 about the draft regional conservation investment strategy or amended strategy  
10 early in the process of preparing it and to have an adequate opportunity to provide  
11 written and oral comments. The public meeting shall be held at a location within  
12 or near the strategy area.

13 (b) In a draft regional conservation investment strategy or amended strategy  
14 submitted to the department for approval, the public agency shall include  
15 responses to written public comments submitted during the public comment  
16 period.

17 (c) If preparation of a regional conservation investment strategy was initiated  
18 before January 1, 2017, and a public meeting regarding the strategy or amended  
19 strategy that is consistent with the requirements of this article was held before  
20 January 1, 2017, an additional public meeting shall not be required.

21 (d) If preparation of a regional conservation investment strategy was initiated  
22 before January 1, 2017, and a public meeting regarding the strategy was not held  
23 before January 1, 2017, the public meeting required under this article may be held  
24 after January 1, 2017, if it is held at least 30 days before the strategy is submitted  
25 to the department for approval.

26 **Comment.** Section 64970 continues former Fish and Game Code Section 1854(c)(3) without  
27 substantive change.

28 **§ 64975. Notice of meeting**

29 64975. At least 30 days before holding a public meeting to distribute  
30 information about the development of a draft regional conservation investment  
31 strategy or amended strategy, a public agency proposing a strategy shall provide  
32 notice of a regional conservation investment strategy or amended strategy public  
33 meeting as follows:

34 (a) On the public agency's Internet Web site and any relevant LISTSERV.

35 (b) To each city, county, and city and county within or adjacent to the regional  
36 conservation investment strategy area.

37 (c) To the implementing entity for each natural community conservation plan or  
38 federal regional habitat conservation plan that overlaps with the strategy area.

39 (d) To each public agency, organization, or individual who has filed a written  
40 request for the notice, including any agency, organization, or individual who has

1 filed a written request to the department for notices of all regional conservation  
2 investment strategy public meetings.

3 **Comment.** Section 64975 continues former Fish and Game Code Section 1854(c)(4) without  
4 substantive change.

5 **§ 64980. Notice of final draft**

6 64980. At least 60 days before submitting a final regional conservation  
7 investment strategy or amended strategy to the department for approval, the public  
8 agency proposing the investment strategy or amended strategy shall notify the  
9 board of supervisors and the city councils in each county within the geographical  
10 scope of the strategy and provide the board of supervisors and the city councils  
11 with an opportunity to submit written comments for a period of at least 30 days.

12 **Comment.** Section 64980 continues former Fish and Game Code Section 1854(c)(5) without  
13 substantive change.

14 **§ 64985. Department review of final draft**

15 64985. After a final regional conservation investment strategy or amended  
16 strategy is submitted to the department for approval, the department shall have 30  
17 days within which to approve the final regional conservation investment strategy  
18 or amended strategy or to explain in writing to the public agency submitting the  
19 strategy or amended strategy what is needed to approve the strategy or amended  
20 strategy.

21 **Comment.** Section 64985 continues former Fish and Game Code Section 1854(c)(6) without  
22 substantive change.

23 **§ 64990. Limitation on department rejection**

24 64990. The department shall not reject biologically appropriate and adequate  
25 compensatory mitigation proposed by a project proponent on the basis that the  
26 compensatory mitigation is not a conservation action or habitat enhancement  
27 identified in a regional conservation investment strategy.

28 **Comment.** Section 64990 continues former Fish and Game Code Section 1855(e) without  
29 substantive change.

30 **§ 64995. Internet publication**

31 64995. The department shall make all approved regional conservation  
32 investment strategies, including all updates to scientific information and analyses  
33 used in a regional conservation investment strategy and any amendments to the  
34 strategy available on its Internet Web site.

35 **Comment.** Section 64995 continues former Fish and Game Code Section 1854(d) without  
36 substantive change.

37 **§ 65000. Duration**

38 65000. (a) The department may prepare or approve a regional conservation  
39 investment strategy, or approve an amended strategy, for an initial period of up to

1 10 years after finding that the strategy meets the requirements of Article 1  
2 (commencing with Section 64900).

3 (b) The department may extend the duration of an approved or amended regional  
4 conservation investment strategy for additional periods of up to 10 years after  
5 updating the strategy for new scientific information and finding that the strategy  
6 continues to meet the requirements of Article 1 (commencing with Section 64900).

7 (c) For purposes of this article, an amended strategy means a complete regional  
8 conservation investment strategy prepared by a public agency to amend  
9 substantially and to replace an approved strategy submitted by the public agency.

10 **Comment.** Section 65000 continues former Fish and Game Code Section 1854(a) without  
11 substantive change.

### 12 Article 3. Effect

#### 13 § 65050. Effect on public agencies

14 65050. (a) Regional conservation investment strategies shall not affect the  
15 authority or discretion of any public agency and shall not be binding upon public  
16 agencies other than parties to a mitigation credit agreement.

17 (b) Nothing in this title increases or decreases the authority or jurisdiction of the  
18 department regarding any land use, species, habitat, area, resource, plan, process,  
19 or corridor.

20 (c) Regional conservation investment strategies are intended to provide  
21 scientific information for the consideration of public agencies.

22 (d) Nothing in this title or any other provision of law requires any public agency,  
23 other than a public agency that is party to a mitigation credit agreement, to adopt,  
24 implement, or otherwise adhere to a regional conservation investment strategy or a  
25 regional conservation assessment.

26 **Comment.** Section 65050 continues former Fish and Game Code Section 1855(a) without  
27 substantive change.

#### 28 § 65055. Effect on other processes

29 65055. The approval or existence of a regional conservation investment strategy,  
30 mitigation credit agreement, or credit pursuant to this title does not do any of the  
31 following:

32 (a) Modify in any way the standards for issuance of incidental take permits or  
33 consistency determinations pursuant to Section 62700 or 62705, issuance of take  
34 authorizations pursuant to Section 64605, the issuance of lake or streambed  
35 alteration agreements pursuant to Section 69750, or any other provision of this  
36 code or regulations adopted pursuant to this code.

37 (b) Modify in any way the standards under the California Environmental Quality  
38 Act (Division 13 (commencing with Section 21000) of the Public Resources  
39 Code), or in any way limit a lead agency's or responsible agency's discretion, in  
40 connection with any determination of whether a proposed project may or may not

1 result in significant environmental effects or in any way establish a presumption in  
2 connection with any determination of whether a proposed project may or may not  
3 result in significant environmental effects or whether a proposed project’s impacts  
4 would be mitigated.

5 (c) Prohibit or authorize any project or project impacts.

6 (d) Create a presumption or guarantee that any proposed project will be  
7 approved or permitted, or that any proposed impact will be authorized, by any  
8 state or local agency.

9 (e) Create a presumption that any proposed project will be disapproved or  
10 prohibited, or that any proposed impact will be prohibited, by any state or local  
11 agency.

12 (f) Alter or affect, or create additional requirements for, the general plan of the  
13 city, county, or city and county, in which it is located.

14 (g) Constitute any of the following, for the purposes of the California  
15 Environmental Quality Act (Division 13 (commencing with Section 21000) of the  
16 Public Resources Code):

17 (1) A plan, policy, or regulation adopted for the purpose of avoiding or  
18 mitigating an environmental effect.

19 (2) A local policy or ordinance protecting biological resources.

20 (3) An adopted local, regional, or state habitat conservation plan.

21 **Comment.** Section 65055 continues former Fish and Game Code Section 1855(b) without  
22 substantive change.

23 **Note.** Existing Section 1855(b) refers to “the issuance of lake or streambed alteration  
24 agreements pursuant to Section 1602....” In proposed Section 65055, the reference to Section  
25 1602 has been narrowed to refer to subdivision (a) of that section, the part of the section that  
26 authorizes the issuance of such agreements (proposed Section 69750). **The Commission invites  
27 comment on whether that revision would cause a problem.**

28 **§ 65060. Effect on project proponent**

29 65060. (a) Nothing in this title shall require a project proponent seeking to  
30 provide compensatory mitigation pursuant to Section 62700, 62705, or 64605, or  
31 the California Environmental Quality Act (Division 13 (commencing with Section  
32 21000) of the Public Resources Code) to take any of the following actions:

33 (1) Undertake conservation actions or habitat enhancement actions identified in  
34 a regional conservation investment strategy.

35 (2) Implement, contribute to, fund, or otherwise comply with the actions  
36 described in a regional conservation investment strategy.

37 (3) Enter into a mitigation credit agreement.

38 (4) Use or purchase mitigation credits established pursuant to this title to satisfy  
39 the compensatory mitigation requirements.

40 (b) Nothing in this chapter shall prevent a project proponent from proposing  
41 mitigation consistent with one or more strategies approved pursuant to this title.

1 **Comment.** Section 65060 continues former Fish and Game Code Section 1855(c) without  
2 substantive change.

3 **Notes. (1)** Existing Section 1855(c) (proposed Section 65060(b)) provides that “nothing in  
4 this section shall prevent a project proponent from proposing mitigation consistent with one or  
5 more strategies approved pursuant to this chapter.” It is not clear which provisions of “this  
6 section” (i.e., Section 1855) are intended to be covered by that disclaimer. In proposed Section  
7 65060, the disclaimer is revised to refer to “this chapter” (which would continue Section 1855(a)-  
8 (c)). **The Commission invites comment on whether the scope of that reference should be  
9 broadened or narrowed.**

10 **(2)** Existing Section 1855(c) refers to “a project proponent seeking to provide compensatory  
11 mitigation pursuant to Section 1602” and other specified sections. There is no language in Section  
12 1602 that clearly authorizes or requires “compensatory mitigation.” The section does authorize  
13 the imposition of “measures” to protect an adversely affected fish or wildlife resource, but it is  
14 not clear that those are understood to be “compensatory mitigation.” As a tentative measure, the  
15 reference to Section 1602 has not been continued in proposed Section 65060. **The Commission  
16 invites comment on whether the reference to Section 1602 should be included and, if so,  
17 which portion of Section 1602 is relevant to the reference.**

18 CHAPTER 4. MITIGATION CREDITS

19 § 65100. Creation

20 65100. (a) A conservation action or habitat enhancement action that measurably  
21 advances the conservation objectives of an approved regional conservation  
22 investment strategy may be used to create mitigation credits that can be used to  
23 compensate for impacts to focal species and other species, habitat, and other  
24 natural resources, as provided in this chapter.

25 (b) The requirements of this chapter apply only to the creation of mitigation  
26 credits under mitigation credit agreements pursuant to this chapter and do not  
27 establish requirements for other forms of compensatory mitigation.

28 **Comment.** Section 65100 continues former Fish and Game Code Section 1856(a) without  
29 substantive change.

30 § 65105. Requirements

31 65105. For a conservation action or habitat enhancement action identified in a  
32 regional conservation investment strategy to be used to create mitigation credits  
33 pursuant to this chapter, the regional conservation investment strategy shall  
34 include, in addition to the requirements of Article 1 (commencing with Section  
35 64900) of Chapter 3, all of the following:

36 (a) An adaptive management and monitoring strategy for conserved habitat and  
37 other conserved natural resources.

38 (b) A process for updating the scientific information used in the strategy, and for  
39 tracking the progress of, and evaluating the effectiveness of, conservation actions  
40 and habitat enhancement actions identified in the strategy, in offsetting identified  
41 threats to focal species and in achieving the strategy’s biological goals and  
42 objectives, at least once every 10 years, until all mitigation credits are used.

1 (c) Identification of a public or private entity that will be responsible for the  
2 updates and evaluation required pursuant to subdivision (b).

3 **Comment.** Section 65105 continues former Fish and Game Code Section 1856(b) without  
4 substantive change.

5 **§ 65110. Use of mitigation credits**

6 65110. A mitigation credit created in accordance with this chapter may be used  
7 to fulfill, in whole or in part, compensatory mitigation requirements established  
8 under any state or federal environmental law, as determined by the applicable  
9 local, state, or federal regulatory agency, including, but not limited to, the  
10 following:

11 (a) To compensate for take or other adverse impacts of activities authorized  
12 pursuant to Part 1 (commencing with Section 62000) within the regional  
13 conservation investment strategy area.

14 (b) To reduce adverse impacts to fish or wildlife resources, or both, from  
15 activities authorized pursuant to Title 3 (commencing with Section 69700) of Part  
16 4 within the regional conservation investment strategy area to less than substantial.

17 (c) To mitigate significant effects on the environment within the regional  
18 conservation investment strategy area pursuant to the California Environmental  
19 Quality Act (Division 13 (commencing with Section 21000) of the Public  
20 Resources Code) and Guidelines for Implementation of the California  
21 Environmental Quality Act (Chapter 3 (commencing with Section 15000) of  
22 Division 6 of Title 14 of the California Code of Regulations).

23 **Comment.** Section 65110 continues former Fish and Game Code Section 1856(c) without  
24 substantive change.

25 **§ 65115. Long-term durability of enhancement action**

26 65115. (a) The department shall ensure the long-term durability of a habitat  
27 enhancement action.

28 (b) If a habitat enhancement action is used to create one or more mitigation  
29 credits pursuant to this chapter, the habitat enhancement action shall remain in  
30 effect at least until the site of the environmental impact is returned to preimpact  
31 ecological conditions.

32 **Comment.** Section 65115 continues former Fish and Game Code Section 1856(d) without  
33 substantive change.

34 **§ 65120. Mitigation credit agreement**

35 65120. (a) To create mitigation credits pursuant to this chapter, a person or  
36 entity, including a state or local agency, shall enter into a mitigation credit  
37 agreement with the department.

38 (b) The mitigation credit agreement shall identify the type and number of  
39 mitigation credits proposed to be created and the terms and conditions under  
40 which the mitigation credits may be used.

1 (c) Mitigation credits shall not be created on a site that has already been  
2 permanently protected and has been used, or is currently in use, to fulfill  
3 compensatory mitigation requirements for one or more projects.

4 (d) The person or entity may create and use, sell, or otherwise transfer the  
5 mitigation credits upon department approval that the credits have been created in  
6 accordance with the agreement.

7 **Comment.** Section 65120 continues former Fish and Game Code Section 1856(e) without  
8 substantive change.

9 **§ 65125. Creation process**

10 65125. (a) To enter into a mitigation credit agreement with the department, a  
11 person or entity shall submit a draft mitigation credit agreement to the department  
12 for its review, revision, and approval or disapproval.

13 (b) Within five days of deeming a draft agreement complete, the department  
14 shall publish notice of the availability of the draft agreement by filing its notice  
15 with the Governor’s Office of Planning and Research and the city and county  
16 clerks of each county in which the agreement is applicable in part or in whole and  
17 shall make the draft agreement available to the public on its Internet Web site, and  
18 to any public agency, organization, or individual who has filed a written request to  
19 the department for notices regarding agreements, for review and comment for a  
20 period of at least 45 days.

21 (c) Following the notice period required by subdivision (b), the department shall  
22 respond to written comments submitted during the public comment period and  
23 may approve the agreement, approve it with revisions, or disapprove it.

24 (d) The department may enter into a mitigation credit agreement if it determines  
25 that the mitigation credit agreement does all of the following:

26 (1) Provides contact information for, and establishes the qualifications of, the  
27 person or entity entering into the agreement, the entity that will manage the site of  
28 the conservation action or habitat enhancement action, and any contractors or  
29 consultants.

30 (2) Fully describes the proposed conservation actions or habitat enhancement  
31 actions and explains how, and to what extent, they will measurably advance  
32 conservation objectives of the regional conservation investment strategy that have  
33 not yet been achieved.

34 (3) Identifies the location of the conservation actions or habitat enhancement  
35 actions, including a location map, address, and size of the site where the proposed  
36 conservation action or habitat enhancement action will be implemented.

37 (4) Provides color aerial and ground-level photographs that reflect current  
38 conditions on the site and surrounding properties.

39 (5) Explains how the mitigation credits will be created, including, but not  
40 limited to, information regarding proposed ownership arrangements, long-term  
41 management strategy, and any phases of implementation.

1 (6) Identifies mitigation banks and conservation banks approved by the  
2 department as a mitigation alternative and explains how available mitigation  
3 credits at those banks will be purchased or used in combination with the mitigation  
4 credits created under the mitigation credit agreement or, if those available  
5 mitigation credits will not be purchased or used, why they will not be purchased or  
6 used.

7 (7) Includes a natural resources evaluation that documents biotic and abiotic  
8 baseline conditions, including past, current, and adjacent land uses, vegetation  
9 types, species information, topography, hydrology, and soil types.

10 (8) Identifies public lands and permanently protected lands in the vicinity of the  
11 conservation actions or habitat enhancement actions.

12 (9) Fully describes the proposed type and quantity of mitigation credits and the  
13 supporting rationale. Mitigation credits created pursuant to this chapter shall  
14 directly correlate to the focal species and other species, habitat, and other natural  
15 resources protected by the conservation actions or habitat enhancement actions.

16 (10) Identifies metrics or indicators by which the proposed conservation action  
17 or habitat enhancement action's contribution to achieving the strategy's  
18 conservation goals and objectives can feasibly be measured with existing  
19 technology. The net ecological gain from the implementation of conservation  
20 actions and habitat enhancement actions that include habitat restoration shall be  
21 reported using consistent metrics that measure the increment of gain in the area  
22 and quality of habitat or other natural resource values compared to baseline  
23 conditions described in the regional conservation investment strategy, and  
24 measures the increment of gain in relation to the regional conservation investment  
25 strategy's conservation objectives.

26 (11) Describes the proposed landownership of the site or sites of the  
27 conservation actions or habitat enhancement actions.

28 (12) Includes a template conservation easement, or other instrument providing  
29 for perpetual protection of land in a manner consistent with approved natural  
30 community conservation plans within the area of the applicable regional  
31 conservation investment strategy, for the sites of any conservation action and an  
32 explanation of how the long-term durability of the sites of any habitat  
33 enhancement actions will be ensured.

34 (13) Ensures that the implementation of the conservation action or habitat  
35 enhancement action will be adequately funded and that long-term protection and  
36 management of the site will be funded in accordance with Chapter 4.6  
37 (commencing with Section 65965) of Division 1 of Title 7 of the Government  
38 Code or, if a state agency proposed to enter into a mitigation credit agreement,  
39 other comparable funding mechanism approved by the department in accordance  
40 with an adopted statewide policy regarding funding for long-term management  
41 and operations of mitigation sites.

42 (14) Includes a template monitoring and long-term adaptive management plan.

1 (15) Explains the terms and conditions under which the proposed mitigation  
2 credits may be sold or otherwise transferred and how the proposed mitigation  
3 credits will be accounted for, including the specific methods proposed for  
4 reporting and maintaining a record of credit creation, release, and use, sale, or  
5 transfer.

6 (16) Includes enforcement provisions.

7 (17) Ensures that, for each site on which the conservation actions or habitat  
8 enhancement actions will be implemented, information consistent with, pursuant  
9 to this title, the information required for a mitigation bank in subdivision (c) of  
10 Section 65455 and subdivisions (b) to (h), inclusive, of Section 65505 shall be  
11 prepared and submitted to the department for review for adequacy and approval  
12 prior to implementation.

13 (18) Includes a proposed credit ledger and credit release schedule that meets the  
14 requirements of Section 65135.

15 **Comment.** Section 65125 continues former Fish and Game Code Section 1856(f) without  
16 substantive change.

17 **§ 65130. Project that quantifiably exceeds compensatory mitigation requirements**

18 65130. (a) Mitigation credit agreements may be used to establish the terms and  
19 conditions under which mitigation credits can be created by projects that improve  
20 wildlife habitat, or that address stressors to wildlife, to an extent that quantifiably  
21 exceeds compensatory mitigation requirements established by the department for  
22 those projects pursuant to Title 3 (commencing with Section 69700) of Part 4 or  
23 Part 1 (commencing with Section 62000).

24 (b) Those projects may include, but are not limited to:

25 (1) The construction of setback levees that result in the creation of more  
26 floodplain or riparian habitat than is required to compensate for construction  
27 impacts.

28 (2) The construction of transportation facility improvements that remove  
29 barriers to fish or wildlife movement and thereby improve the quality of habitat or  
30 address stressors to wildlife to a greater extent than is required to compensate for  
31 construction impacts.

32 (c) For those projects, the project proponent may submit a draft mitigation credit  
33 agreement that proposes the terms and conditions under which mitigation credits  
34 may be created and used by or in conjunction with those projects to the department  
35 for its review, revision, and approval. The submission may occur concurrently  
36 with, or after, an application submitted pursuant to Part 1 (commencing with  
37 Section 62000) or a notice submitted pursuant to Title 3 (commencing with  
38 Section 69700) of Part 4 or may occur after the application or notice is submitted.  
39 Where a draft mitigation agreement is submitted concurrently with the application  
40 or notice, the department shall review the draft mitigation credit agreement  
41 concurrently with its review of the application or notice and shall, to the maximum

1 extent practicable, complete its review of both the notice or application and the  
2 draft agreement concurrently.

3 (d) Mitigation credit agreements submitted to the department pursuant to this  
4 section may comply with the requirements of Section 65135 with a credit release  
5 schedule related to construction of the project that will improve wildlife habitat, or  
6 will address stressors to wildlife, to an extent that exceeds compensatory  
7 mitigation requirements quantifiably. For those projects, construction of the  
8 project may be a performance-based milestone required by subdivision (b) of  
9 Section 65135.

10 **Comment.** Section 65130 continues former Fish and Game Code Section 1856(h) without  
11 substantive change.

12 **§ 65135. Release of mitigation credits**

13 65135. (a) The release of mitigation credits for use, sale, or transfer under a  
14 mitigation credit agreement shall require the department’s approval in accordance  
15 with this section.

16 (b) The release of mitigation credits shall be tied to performance-based  
17 milestones and achievement of ecological performance standards. The credit  
18 release schedule for each mitigation credit agreement shall reserve a substantial  
19 share of the total credits for release after those ecological performance standards  
20 are fully achieved.

21 (c) Performance-based milestones shall include, but are not be limited to, the  
22 following:

23 (1) Recording a conservation easement consistent with approved natural  
24 community conservation plans within the area of the applicable regional  
25 conservation investment strategy on the site of a conservation action, or putting  
26 into place measures that ensure the long-term durability of a habitat enhancement  
27 action in accordance with Section 65115.

28 (2) Completing construction of a habitat restoration action.

29 (3) Achieving temporal ecological performance standards for habitat restoration,  
30 such as standards established for one year, three years, or five years following the  
31 initiation of habitat restoration.

32 (4) Fully achieving ecological performance standards.

33 (5) The terms of the credit release schedule shall be specified in the mitigation  
34 credit agreement. When conservation actions and habitat enhancement actions are  
35 implemented and meet the performance-based milestones specified in the credit  
36 release schedule, credits shall be created in accordance with the credit release  
37 schedule. If a conservation action or habitat enhancement action does not meet  
38 performance-based milestones, the department may suspend the release of credits,  
39 reduce the number of credits, or otherwise modify the credit release schedule  
40 accordingly.

41 (d) In order for mitigation credits to be released, the person or entity that has  
42 entered into a mitigation credit agreement shall demonstrate to the department that

1 the appropriate performance-based milestones for credit release have been met.  
2 The department shall determine whether the milestones have been met and the  
3 credits may be released.

4 **Comment.** Section 65135 continues former Fish and Game Code Section 1856(g) without  
5 substantive change.

6 **§ 65140. Effect on conservation bank or mitigation bank**

7 65140. Nothing in this title is intended to limit or impose additional conditions  
8 on the creation or sale of mitigation credits by a conservation bank or mitigation  
9 bank approved by the department pursuant to Title 3 (commencing with Section  
10 65300).

11 **Comment.** Section 65140 continues former Fish and Game Code Section 1856(i) without  
12 substantive change.

13 **§ 65145. Application to natural community conservation plan**

14 65145. (a) The creation of mitigation credits pursuant to this chapter from a  
15 conservation action or habitat enhancement action implemented within the plan  
16 area of an approved natural community conservation plan shall not duplicate or  
17 replace mitigation requirements set forth in the natural community conservation  
18 plan and shall require the advance written approval of the plan's implementing  
19 entity.

20 (b) Mitigation credits created pursuant to this chapter may be used for covered  
21 activities under an approved natural community conservation plan only in  
22 accordance with the requirements of the plan.

23 (c) Individuals and entities eligible for coverage as a participating special entity  
24 under an approved natural community conservation plan may use mitigation  
25 credits created pursuant to this chapter only if the plan's implementing entity  
26 declines to extend coverage to the covered activity proposed by the eligible  
27 individual or entity.

28 **Comment.** Section 65145 continues former Fish and Game Code Section 1856(j) without  
29 substantive change.

30 **§ 65150. Application to Delta water conveyance facilities**

31 65150. Mitigation credits provided by this title shall not be utilized to fund or  
32 offset the costs of the design, construction, or mitigation of new Delta water  
33 conveyance facilities.

34 **Comment.** Section 65150 continues former Fish and Game Code Section 1855(d) without  
35 substantive change.

36 **§ 65155. Internet publication**

37 65155. The department shall make project mitigation credit and release  
38 information, including the demonstration submitted pursuant to subdivision (d) of  
39 Section 65135, publicly available on the department's Internet Web site.

1       **Comment.** Section 65155 continues former Fish and Game Code Section 1856(k) without  
2 substantive change.

3                                   **TITLE 4. CONSERVATION BANK AND**  
4                                   **MITIGATION BANK APPLICATIONS AND FEES**

5                                   **CHAPTER 1. GENERAL PROVISIONS**

6                                   **Article 1. Findings and Declarations**

7       **§ 65300. Findings and declarations**

8       65300. The Legislature finds and declares as follows:

9       (a) Mitigation banks and conservation banks provide for the conservation of  
10 important habitats and habitat linkages, take advantage of economies of scale that  
11 are often not available to individualized mitigation projects, and simplify the state  
12 regulatory compliance process while achieving conservation goals.

13       (b) The department authorizes the establishment of private and public  
14 conservation and mitigation banks that can provide viable consolidated mitigation  
15 for adverse impacts caused by projects. Banks sell habitat or species credits to  
16 project proponents having mitigation responsibilities that require compensation for  
17 impacts to wetlands, threatened or endangered species, and other sensitive  
18 resources. The state policy on conservation banks was established in 1995 by the  
19 Natural Resources Agency and the California Environmental Protection Agency.

20       (c) In 2011, the department and other state and federal agencies, including the  
21 United States Fish and Wildlife Service, the National Marine Fisheries Service,  
22 the United States Army Corps of Engineers, and the United States Environmental  
23 Protection Agency, renewed a memorandum of understanding for the purpose of  
24 jointly establishing a framework for developing and using combined or  
25 coordinated approaches to mitigation and conservation banking in the state. The  
26 memorandum of understanding includes provisions for the development and  
27 continuous improvement of standardized banking program documents and  
28 guidance. Existing standardized documents identified in the memorandum of  
29 understanding include bank enabling instruments, conservation easements, long-  
30 term management plans, and bank proposal review checklists, among others.

31       (d) The department has properly excluded from being eligible as mitigation and  
32 conservation banks those lands that are not suitable to become banks, for reasons  
33 that include that the lands do not support significant biological resources or are not  
34 biologically viable, are subject to potentially inconsistent uses, encumbrances, or  
35 requirements, or would not meet requirements of permits or authorizations that  
36 require mitigation.

37       (e) Greater transparency is desired to ensure that mitigation requirements of  
38 regulatory programs, permits, and authorizations are fully met when employing

1 conservation and mitigation banks, and that the monitoring of banks to ensure  
2 long-term conservation of species and habitats is scientifically valid.

3 (f) The private and public mitigation and conservation banks and the private and  
4 public entities to which bank credits are sold should fully fund the administrative  
5 and regulatory costs of the department in providing banking program services,  
6 administration and oversight.

7 (g) The department has found that the establishment and use of conservation and  
8 mitigation banks may result in added ecological benefits and reduced  
9 administrative costs over the more traditional forms of smaller, single-purpose  
10 mitigation projects.

11 (h) It is the intent of the Legislature that banking and all other forms of  
12 mitigation for wildlife species comply with regulatory requirements, are based on  
13 the best available scientific information, can be implemented successfully, and  
14 have adequate funding to achieve mitigation measures and be monitored for  
15 compliance and effectiveness. The Legislature recognizes that mitigation and  
16 conservation banking is important to the state because banks provide regulatory  
17 efficiencies, environmental benefits, and economic advantages. Properly  
18 developed and monitored banks have demonstrated their value and efficacy and  
19 are important tools in mitigating impacts to resources and in conserving a wide  
20 range of habitat lands.

21 **Comment.** Section 65300 continues former Fish and Game Code Section 1797 without  
22 substantive change.

## 23 Article 2. Definitions

### 24 § 65305. Application

25 65305. The definitions in this article govern this title.

26 **Comment.** Section 65305 restates the introductory clause of former Fish and Game Code  
27 Section 1797.5 without substantive change.

### 28 § 65310. Bank

29 65310. “Bank” means a conservation bank, mitigation bank, or conservation and  
30 mitigation bank.

31 **Comment.** Section 65310 continues former Fish and Game Code Section 1797.5(a) without  
32 substantive change.

### 33 § 65315. Bank enabling instrument

34 65315. “Bank enabling instrument” means a written agreement with the  
35 department regarding the establishment, use, operation, and maintenance of the  
36 bank.

37 **Comment.** Section 65315 continues former Fish and Game Code Section 1797.5(b) without  
38 substantive change.

1    **§ 65320. Bank sponsor**

2       65320. “Bank sponsor” means the person or entity responsible for establishing  
3    and operating a bank.

4       **Comment.** Section 65320 continues former Fish and Game Code Section 1797.5(c) without  
5    substantive change.

6    **§ 65325. Conservation bank**

7       65325. “Conservation bank” means a publicly or privately owned and operated  
8    site that is to be conserved and managed in accordance with a written agreement  
9    with the department that includes provisions for the issuance of credits, on which  
10   important habitat, including habitat for threatened, endangered, or other special  
11   status species, exists, has been, or will be created to do any of the following:

12       (a) Compensate for take or other adverse impacts of activities authorized  
13    pursuant to Part 1 (commencing with Section 62000).

14       (b) Reduce adverse impacts to fish or wildlife resources from activities,  
15    authorized pursuant to Title 3 (commencing with Section 69700) of Part 4, to less  
16    than substantial.

17       (3) Mitigate significant effects on the environment pursuant to the California  
18    Environmental Quality Act (Division 13 (commencing with Section 21000) of the  
19    Public Resources Code) and Guidelines for Implementation of the California  
20    Environmental Quality Act (Chapter 3 (commencing with Section 15000) of  
21    Division 6 of Title 14 of the California Code of Regulations).

22       (d) Establish mitigation in advance of any impacts or effects.

23       (e) To the extent feasible and practicable, protect habitat connectivity for fish  
24    and wildlife resources for purposes of this article.

25       **Comment.** Section 65325 continues former Fish and Game Code Section 1797.5(d) without  
26    substantive change.

27    **§ 65330. Conservation easement**

28       65330. “Conservation easement” means a perpetual conservation easement, as  
29    defined by Section 815.1 of the Civil Code, covering the real property that  
30    comprises the bank site.

31       **Comment.** Section 65330 continues former Fish and Game Code Section 1797.5(e) without  
32    substantive change.

33    **§ 65335. Mitigation bank**

34       65335. “Mitigation bank” means either of the following:

35       (a) A bank site or mitigation bank site as defined by Section 65855.

36       (b) Any publicly or privately owned and operated site, other than those defined  
37    by Section 65855, on which wetlands exist, have been, or will be created, and that  
38    is to be conserved and managed in accordance with a written agreement with the  
39    department for any of the purposes described in subdivisions (a) to (d), inclusive,  
40    of Section 65325.



1 proposed concept and notify the person who submitted the draft prospectus of  
2 potential issues identified by the department.

3 **Comment.** Section 65450 continues former Fish and Game Code Section 1798(a) without  
4 substantive change.

5 **§ 65455. Submission**

6 65455. (a) Any person seeking to establish a bank with the department shall  
7 submit a bank prospectus to the department together with a prospectus review fee  
8 of ten thousand dollars (\$10,000) to fund the reasonable cost of the department's  
9 review services.

10 (b) If a draft prospectus and the review fee have been submitted pursuant to  
11 Section 65450, then the review fee for the bank prospectus shall be eight thousand  
12 five hundred dollars (\$8,500) so as not to exceed a total fee of ten thousand dollars  
13 (\$10,000).

14 (c) The bank prospectus shall contain at least all of the following information:

15 (1) The proposed bank name.

16 (2) Contact information, including, but not limited to, the bank sponsor, property  
17 owner, and any consultants.

18 (3) A general location map, address, and the size of the proposed bank in acres.

19 (4) A 7.5-minute United States Geological Survey map showing proposed  
20 boundaries of the bank.

21 (5) Color aerial photographs that reflect current conditions on the site of the  
22 proposed bank and surrounding properties.

23 (6) Description of how the bank will be established and operated, including, but  
24 not limited to, proposed ownership arrangements, long-term management strategy,  
25 and any phases.

26 (7) Qualifications of bank sponsor.

27 (8) Preliminary natural resources surveys that document biotic and abiotic  
28 baseline conditions, including past, current, and adjacent land uses, vegetation  
29 types, species information, topography, hydrology, and soil types.

30 (9) Map of proposed bank service areas.

31 (10) Map depicting other conserved lands in the vicinity of the proposed bank.

32 (11) Description of bank objectives that includes how the proposed bank would  
33 contribute to connectivity and ecosystem function.

34 (12) A current preliminary report covering the site of the proposed bank that  
35 identifies the owner of the fee simple title and shows all liens, easements, and  
36 other encumbrances and depicts all relevant property lines, easements, dedications,  
37 and other features.

38 (13) A declaration of whether or not the proposed bank site has been or is being  
39 used as mitigation, is designated or dedicated for park or open space use, or  
40 designated for purposes that may be inconsistent with habitat preservation.

41 (14) Details of any public funding received for acquisition or restoration of, or  
42 other purposes related to, the proposed bank site.

1 **Comment.** Section 65455 continues former Fish and Game Code Section 1798(b) without  
2 substantive change.

3 **§ 65460. Review**

4 65460. (a) No later than 30 calendar days after the department receives a bank  
5 prospectus and the prospectus review fee, the department shall determine whether  
6 or not the prospectus is complete and provide written notice of its determination to  
7 the person who submitted the prospectus.

8 (b) If a prospectus is not complete, it may be made complete and resubmitted.

9 (c) If the department determines that the prospectus is complete, then within 90  
10 calendar days of that determination, the department shall determine whether or not  
11 the prospectus is acceptable and notify the person who submitted the prospectus of  
12 the determination.

13 (d) The department may request clarifying information during the prospectus  
14 review process.

15 **Comment.** Section 65460 continues former Fish and Game Code Section 1798(c)-(d) without  
16 substantive change.

17 **§ 65465. Decision**

18 65465. (a) If the department determines that a bank prospectus is acceptable  
19 then a bank agreement package may be submitted in accordance with Article 2  
20 (commencing with Section 65500).

21 (b) If the department determines that a bank prospectus is not acceptable the  
22 department shall state the reasons for the determination. The prospectus may be  
23 resubmitted in accordance with Section 65450 if further consideration is desired.  
24 Any resubmittal must be accompanied by payment of a new prospectus review  
25 fee.

26 **Comment.** Section 65465 continues former Fish and Game Code Section 1798(e) without  
27 substantive change.

28 **Note.** Existing Section 1798(e)(2) (proposed Section 65465(b)) provides that, on disapproval  
29 of a bank prospectus, the applicant can resubmit for further consideration “in accordance with  
30 subdivision (a).” That reference seems odd. Section 1798(a) establishes an *optional* procedure for  
31 submission of a *draft* prospectus, for advisory review. By contrast, Section 1798(b) provides the  
32 procedure for submission of a *final* bank prospectus, for determinative review. It is not clear why  
33 Section 1798(e)(2) would require submission of a draft prospectus, rather than a revised version  
34 of a final prospectus. **The Commission invites comment on whether the reference to Section**  
35 **1798(a) is erroneous.**

36 **§ 65470. Guidelines**

37 65470. The department may adopt and amend guidelines and criteria for the  
38 purposes of this article pursuant to Section 65680.

39 **Comment.** Section 65470 continues former Fish and Game Code Section 1798(f) without  
40 substantive change.

Article 2. Bank Agreement Package

§ 65500. Submission

65500. (a) If the department determines that a bank prospectus is acceptable pursuant to Article 1 (commencing with Section 65450), the person seeking to establish the bank may submit a bank agreement package to the department.

(b) Pursuant to Section 65685, the department may adopt and amend guidelines and criteria for the bank agreement package, including, but not limited to, recommended standard forms for bank enabling instruments or long-term management plan and conservation easements.

**Comment.** Section 65500 continues former Fish and Game Code Section 1798.5(a)(1) without substantive change.

**Note.** Existing Section 1798.5(a)(1) (proposed Section 65500(b)) provides that the department may adopt guidelines and criteria for a bank package agreement “pursuant to subdivision (b) of Section 1799.1.” That reference appears to be incorrect. Section 1799.1(b) has no obvious connection to the purpose of the cross-reference. It specifies a rule for the deposit of certain fees. However, Section 1799.1(c) does address the adoption of guidelines and criteria. In proposed Section 65500(b), the cross-reference has been changed to refer to the provision that continues Section 1799.1(c) (proposed Section 65685). **The Commission invites comment on whether that change would cause any problems.**

§ 65505. Content

65505. The bank agreement package shall be consistent with the prospectus and contain at least all of the following information:

(a) The draft bank enabling instrument and all exhibits.

(b) Drafts of the interim management plan, long-term management plan, bank closure plan, and, if applicable, a development or construction plan for the bank.

(c) A draft conservation easement, or if potential state ownership is contemplated by the department, a draft grant deed.

(d) A map and written description of the proposed bank service area.

(e) A proposed credit ledger and credit release schedule for the bank.

(f) A property analysis record or other comparable economic analysis of the funding necessary to support bank maintenance activities, such as monitoring and reporting, in perpetuity.

(g) Estimates of financial assurances and proposed forms of security. Proposed forms of security may be either cash or a letter of credit.

(h) A phase I environmental site assessment of the site of the proposed bank dated not more than six months prior to the date the bank agreement package is submitted to the department. This assessment shall be performed in accordance with the American Society of Testing and Materials Standard E1527-05 “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” or any successive ASTM standard active at the time of the assessment.

1       **Comment.** Section 65505 continues former Fish and Game Code Section 1798.5(a)(2) without  
2 substantive change.

3       **§ 65510. Fee**

4       65510. The department shall collect a fee of twenty-five thousand dollars  
5 (\$25,000) per bank agreement package to fund the cost of the department’s review  
6 services. The fee shall be collected at the time the bank agreement package is  
7 submitted to the department.

8       **Comment.** Section 65510 continues former Fish and Game Code Section 1798.5(b) without  
9 substantive change.

10       **§ 65515. Review**

11       65515. (a) Within 30 calendar days following the department’s receipt of a bank  
12 agreement package and fee pursuant to Section 65500, the department shall  
13 determine whether or not the package is complete and give written notice of the  
14 determination to the person who submitted the package.

15       (b) If the department determines that the bank agreement package is not  
16 complete, it may be made complete and resubmitted.

17       (c) If the department determines that the bank agreement package is complete,  
18 within 90 calendar days of that determination, the department shall determine  
19 whether or not it is acceptable and notify the person who submitted the package of  
20 the determination. If the department determines that the bank agreement package  
21 is not acceptable, the department shall state the reasons.

22       (d) The department may request clarifying information during the bank  
23 agreement review process.

24       **Comment.** Section 65515 continues former Fish and Game Code Section 1798.5(c)-(d)  
25 without substantive change.

26       **§ 65520. Request for supplemental information**

27       65520. (a) If the department needs supplemental information during its review  
28 of the bank agreement package in order to fully evaluate the proposed bank, the  
29 regional manager or departmental equivalent, or a higher level department  
30 employee, shall provide the person seeking to establish the bank a written request  
31 for the needed information.

32       (b) Upon the department’s receipt of the requested information, a new 90-day  
33 period shall begin during which the department shall determine acceptability  
34 pursuant to subdivision (c) of Section 65515.

35       (c) If the department does not receive the requested information within 60  
36 calendar days of the department’s request, the bank agreement package will be  
37 deemed unacceptable.

38       **Comment.** Section 65520 continues former Fish and Game Code Section 1798.5(e) without  
39 substantive change.



1 any documents proposed to be amended or that would be affected by the proposed  
2 amendment.

3 (b) The department may adopt and amend guidelines and criteria for the bank  
4 amendment package pursuant to Section 65685.

5 **Comment.** Section 65550 continues former Fish and Game Code Section 1798.6(a) without  
6 substantive change.

7 **Note.** Existing Section 1798.6(a) (proposed Section 65550(b)) provides that the department  
8 may adopt guidelines and criteria for a bank amendment package “pursuant to subdivision (b) of  
9 Section 1799.1.” That reference appears to be incorrect. Section 1799.1(b) has no obvious  
10 connection to the purpose of the cross-reference. It specifies a rule for the deposit of certain fees.  
11 However, Section 1799.1(c) does address the adoption of guidelines and criteria. In proposed  
12 Section 65550(b), the cross-reference has been changed to refer to the provision that continues  
13 Section 1799.1(c) (proposed Section 65685). **The Commission invites comment on whether**  
14 **that change would cause any problems.**

15 **§ 65555. Review**

16 65555. (a) Within 30 calendar days following its receipt of a draft bank  
17 amendment package and any fee required by Sections 65560 and 65565, the  
18 department shall determine whether or not the package is complete and give  
19 written notice of that determination to the person who submitted the package.

20 (b) If the department determines that the bank amendment package is complete,  
21 then within 90 calendar days of that determination, the department shall determine  
22 whether or not the package is acceptable and notify the person who submitted the  
23 package of that determination.

24 (c) If the bank amendment package is determined not to be acceptable, the  
25 determination shall state the reasons.

26 (d) The department may request clarifying information during the bank  
27 amendment review process.

28 **Comment.** Section 65555 continues the first four sentences of former Fish and Game Code  
29 Section 1798.6(b) without substantive change.

30 **§ 65560. Fee amount**

31 65560. (a) The department shall collect a fee of either seven thousand five  
32 hundred dollars (\$7,500) or twenty-five thousand dollars (\$25,000) per bank  
33 amendment package to fund the reasonable cost of the department’s review  
34 services.

35 (b) The fee of seven thousand five hundred dollars (\$7,500) is intended to cover  
36 the reasonable cost of the department’s services in reviewing simple amendments,  
37 such as a change in bank name, ownership change, address change, or proposed  
38 decrease in the number of credits proposed.

39 (c) The fee of twenty-five thousand dollars (\$25,000) is intended to cover the  
40 reasonable cost of the department’s services in reviewing all other amendments,  
41 including, but not limited to, requests for increase change in service area, or  
42 increase in the number of credits.

1 (d) A regional manager or department equivalent, or a higher level department  
2 representative employee, shall determine which of the two fees is appropriate and  
3 shall provide notification of that determination to the person who submitted the  
4 request for bank amendment package pursuant to subdivisions (b) through (d),  
5 inclusive, of Section 65565.

6 **Comment.** Section 65560 continues former Fish and Game Code Section 1798.6(c)(1) without  
7 substantive change.

8 **§ 65565. Payment of fee**

9 65565. (a) An initial fee of seven thousand five hundred dollars (\$7,500) shall  
10 be submitted to the department with the bank amendment package.

11 (b) Within 30 calendar days following the department's receipt of a bank  
12 amendment package and the initial fee, pursuant to subdivision (a), the department  
13 shall determine whether or not the package is complete and give written notice of  
14 the determination to the person who submitted it and, if applicable, notice pursuant  
15 to Section 65560 that the person shall remit an additional fee of seventeen  
16 thousand five hundred dollars (\$17,500).

17 (c) If noticed by the department, the additional fee of seventeen thousand five  
18 hundred dollars (\$17,500) shall be submitted to the department within 30 days of  
19 the notice.

20 (d) If the additional fee is not received by this date, the review timelines in this  
21 article shall be suspended until the fee is received by the department.

22 **Comment.** Section 65565 continues former Fish and Game Code Section 1798.6(c)(2)-(3)  
23 without substantive change.

24 **§ 65570. Decision**

25 65570. (a) If the department determines that the bank amendment package is not  
26 complete, the package may be made complete and resubmitted.

27 (b) If the department determines that the bank amendment package is complete,  
28 then within 90 calendar days of that determination and the receipt of the additional  
29 fee pursuant to subdivisions (b) through (d), inclusive, of Section 65565, if  
30 applicable, the department shall determine whether or not the bank amendment  
31 package is acceptable and notify the person who submitted the package of the  
32 determination.

33 (c) If the department determines that the bank amendment package is not  
34 acceptable the determination shall state the reasons.

35 (d) The department may request clarifying information during the bank  
36 amendment review process.

37 **Comment.** Section 65570 continues former Fish and Game Code Section 1798.6(c)(4) & (d)  
38 without substantive change.

1 **§ 65575. Request for supplemental information**

2 65575. (a) If the department needs supplemental information during its review  
3 of the bank amendment package in order to fully evaluate the proposed  
4 amendment, the regional manager or department equivalent, or a higher level  
5 department employee, shall provide the person seeking to amend the bank, in  
6 writing, a written request for the needed information.

7 (b) Upon the department's receipt of the requested information, a new 90-day  
8 period shall begin during which the department will determine acceptability  
9 pursuant to subdivisions (a) and (b) of Section 65570.

10 (c) If the department does not receive the requested information within 60  
11 calendar days of the department's request, the bank amendment package shall be  
12 deemed unacceptable.

13 **Comment.** Section 65575 continues former Fish and Game Code Section 1798.6(e) without  
14 substantive change.

15 **§ 65580. Changes proposed by applicant during review**

16 65580. (a) If the person seeking to amend the bank proposes changes to the bank  
17 amendment package that have not been solicited by the department during its the  
18 department's 90-day review period, including, but not limited to, parties, number  
19 or type of credits, bank size, number or type of species, credit release schedule,  
20 service area, design change, or other changes as identified by the department to  
21 require additional review time, the department, acting through the regional  
22 manager or department equivalent, or a higher level department employee, shall  
23 assess a one-time fee of ten thousand dollars (\$10,000) to cover the reasonable  
24 cost of the department's services in reviewing the changes.

25 (b) A new 90-day review period shall begin upon receipt of the proposed  
26 changes and the fee, during which the department shall determine acceptability  
27 pursuant to subdivisions (a) and (b) of Section 65570.

28 **Comment.** Section 65580 continues former Fish and Game Code Section 1798.6(f) without  
29 substantive change.

30 **§ 65585. Extension of time**

31 65585. The department may extend the 90-day period for reviewing the bank  
32 amendment package by an additional 60 days if the department determines that 90  
33 days is insufficient time to complete its review of a bank amendment package for  
34 reasons that may include, but are not limited to, the size, location, or complexity of  
35 the bank or bank amendment documents, that the package includes a development  
36 plan, or that there are substantial variations from recommended standard forms.

37 **Comment.** Section 65585 continues the fifth sentence of former Fish and Game Code Section  
38 1798.6(b) without substantive change.

39 **Note:** Existing Section 1798.6(b) (proposed Section 65585) seems to substantially duplicate  
40 Section 1798.6(g) (proposed Section 65590). **The Commission invites comment on whether**  
41 **one of those provisions can be deleted as redundant.**



1 (c) The available information shall include, but is not limited to, the total  
2 number of each type of bank credit, the types of credits sold or obligated, the  
3 number of credits sold or obligated, the number of credits applied, the balance of  
4 each type of credit remaining, the status of the species and habitat at the bank,  
5 links to the bank’s long-term management plans, and links to the complete annual  
6 monitoring reports required by departmental policy.

7 (d) Information contained in the database created pursuant to former Title 2  
8 (commencing with Section 64700) on January 1, 2011, shall be incorporated into  
9 the database established pursuant to subdivision (a).

10 **Comment.** Section 65660 continues former Fish and Game Code Section 1799(c) without  
11 substantive change.

12 **§ 65665. Annual report**

13 65665. (a) By January 1, 2014, and annually thereafter, the department shall  
14 provide a report to the Legislature.

15 (b) The report shall include the following information based on data from the  
16 previous calendar year:

17 (1) Number of new bank applications, prospectuses, bank agreement packages,  
18 and amendments received.

19 (2) Number of bank applications approved, rejected because not complete,  
20 rejected because not acceptable, and withdrawn.

21 (3) Name of new or existing bank, geographic location, number of acres,  
22 number of credits approved for each habitat type or species, and number of credits  
23 sold.

24 (4) An accounting of fees collected pursuant to this title.

25 (5) A statement of whether or not the timelines for bank review in this title were  
26 met.

27 (6) Other information determined by the department to be relevant in assessing  
28 the effectiveness of the department’s mitigation and conservation banking  
29 program.

30 **Comment.** Section 65665 continues former Fish and Game Code Section 1799(d) without  
31 substantive change.

32 **§ 65670. Implementation and compliance fees**

33 65670. (a) The department shall collect fees to pay for all or a portion of the  
34 department’s bank implementation and compliance costs.

35 (b) The department shall collect a total payment of sixty thousand (\$60,000) per  
36 bank, apportioned by an amount that equals the ratio of the number of credits  
37 released to the total number of credits in the bank, and shall be identified in the  
38 bank enabling instrument.

39 (c) Payments shall be due following each credit release no later than the due date  
40 for the submission of the bank’s annual report. The payments shall be submitted

1 following each credit release and no later than the time of the submission of the  
2 bank's annual report.

3 (d) The department may require the bank to cease selling credits and may stop  
4 credit releases until these fees are paid in full.

5 (e) The department shall assess a penalty of 10 percent of the amount of fees due  
6 if there is a failure to remit the amount payable when due.

7 **Comment.** Section 65670 continues former Fish and Game Code Section 1799(e) without  
8 substantive change.

9 **§ 65675. Fee adjustment**

10 65675. The department shall annually adjust the fees in this title pursuant to  
11 Section 3755.

12 **Comment.** Section 65675 continues former Fish and Game Code Section 1799.1(a) without  
13 substantive change.

14 **§ 65680. Deposit of fees**

15 65680. Moneys received pursuant to this title shall be deposited in a separate  
16 dedicated account within the Fish and Game Preservation Fund and expended for  
17 the purposes of this title.

18 **Comment.** Section 65680 continues former Fish and Game Code Section 1799.1(b) without  
19 substantive change.

20 **§ 65685. Guidelines**

21 65685. (a) The department shall adopt and amend guidelines and criteria to  
22 implement this title.

23 (b) The department shall develop these guidelines and criteria in coordination  
24 with interested parties, including, but not limited to, bank sponsors, conservation  
25 organizations, and federal and state bank approving agencies. The guidelines shall  
26 incorporate all relevant documents and program guidance, including, but not  
27 limited to, the 2011 Memorandum of Understanding approved by the United  
28 States Fish and Wildlife Service, the United States Army Corps of Engineers, and  
29 the United States Environmental Protection Agency, for the purpose of jointly  
30 establishing a framework for developing and using combined or coordinated  
31 approaches to mitigation and conservation banking in California. Chapter 3.5  
32 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the  
33 Government Code shall not apply to the development, adoption, or amendment, of  
34 guidelines or criteria pursuant to this section. The guidelines and criteria shall be  
35 posted on the department's Internet Web site.

36 **Comment.** Section 65685 continues former Fish and Game Code Section 1799.1(c) without  
37 substantive change.

38 **§ 65690. Reimbursement of costs**

39 65690. The costs of a conservation and mitigation banking program, including,  
40 but not limited to, costs incurred by the department during its guideline adoption

1 and review, approval, establishment, monitoring, and oversight of banks, shall be  
2 reimbursed from revenues of conservation and mitigation bank application fees  
3 imposed pursuant to this title.

4 **Comment.** Section 65690 continues former Fish and Game Code Section 1799.1(d) without  
5 substantive change.

6 **Note.** Existing Section 1799.1(d) refers to fees imposed pursuant to Sections 1798.5, 1798.6,  
7 and 1799. Proposed Section 65690 simplifies this reference, referring instead to fees imposed  
8 pursuant to “this title.” **The Commission does not believe that this would result in any**  
9 **substantive change, but invites comment on that point.**

10 TITLE 5. SACRAMENTO-SAN JOAQUIN  
11 VALLEY WETLANDS MITIGATION BANK ACT  
12 OF 1993

13 CHAPTER 1. GENERAL PROVISIONS

14 Article 1. Short Title

15 § 65800. Short title

16 65800. This title shall be known and may be cited as the Sacramento-San  
17 Joaquin Valley Wetlands Mitigation Bank Act of 1993.

18 **Comment.** Section 65800 continues former Fish and Game Code Section 1775 without  
19 substantive change.

20 Article 2. Findings, Declarations, and Intent

21 § 65805. Findings and declarations

22 65805. The Legislature finds and declares the following:

23 (a) Wetlands are an important natural resource of the Sacramento-San Joaquin  
24 Valley because they provide significant habitat for migratory waterfowl of the  
25 Pacific flyway, for endangered species, and for many other resident wildlife and  
26 fish populations. Wetlands provide additional public benefits, including water  
27 quality improvement, flood protection, stream bank stabilization, recreation, and  
28 scientific research.

29 (b) Active and voluntary involvement by private landowners is necessary for the  
30 long-term availability and productivity of wetlands in the Sacramento-San Joaquin  
31 Valley.

32 (c) Large wetland preserves in the Sacramento-San Joaquin Valley, under  
33 certain circumstances, can provide an environmentally preferable alternative to a  
34 number of small, isolated wetland preserves of the same type surrounded by urban  
35 development.

1 (d) It is the policy of the state with respect to the Sacramento-San Joaquin  
2 Valley:

3 (1) To provide for the protection, preservation, restoration, enhancement, and  
4 expansion of the wetland habitat in the Sacramento-San Joaquin Valley.

5 (2) To promote the protection, preservation, restoration, enhancement, and  
6 expansion of the Sacramento-San Joaquin Valley wetlands in concert with other  
7 federal, state, and local programs, and interested parties.

8 (3) To improve cooperative efforts among private, nonprofit, and public entities  
9 for the management and protection of wetlands.

10 (4) To assure that no net loss of either wetland acreage or habitat values results  
11 from activities pursuant to this title in the Sacramento-San Joaquin Valley that  
12 otherwise comply with state and federal law.

13 (5) To encourage and maintain a predictable, efficient, and timely regulatory  
14 framework for environmentally acceptable development.

15 (6) To assure that the construction or maintenance of wetland mitigation banks  
16 in the Sacramento-San Joaquin Valley does not reduce any local tax base, does not  
17 create any uncompensated increased requirement for local services, and does not  
18 create conditions that have the potential to adversely affect the public health.

19 (7) To provide an alternative for accomplishing offsite mitigation in the  
20 Sacramento-San Joaquin Valley when offsite mitigation is required under a fill  
21 permit issued pursuant to Section 404 of the federal Clean Water Act (33 U.S.C.  
22 Sec. 1344 et seq.).

23 (e) This title constitutes a nonexclusive alternative to other lawful methods of  
24 mitigating project impacts upon wetlands and maintaining and increasing wetlands  
25 acreage and habitat values generally. Specifically, this title is not intended to, and  
26 shall not be interpreted to:

27 (1) Condone or encourage the removal, loss, or degradation of wetlands.

28 (2) Condone or encourage the removal, loss, or degradation of habitat for any  
29 rare, threatened, or endangered species.

30 (3) Abrogate any other local, state, or federal law or policy relating to wetlands,  
31 nor prohibit any city or county from prohibiting the removal, filling, or other  
32 destruction of particular wetlands.

33 (4) Establish maximum or minimum standards or any other requirements for  
34 wetland fill or mitigation, except for mitigation banks established pursuant to this  
35 title.

36 (5) Have legal or necessary precedential application to any other area of the  
37 state, or to other lands, resources, situations, or circumstances.

38 (6) Preclude other forms of mitigation banking, including private or for-profit  
39 programs, within the Sacramento-San Joaquin Valley.

40 (7) Be the exclusive method of providing compensation by permittees for the  
41 loss of wetlands within the Sacramento-San Joaquin Valley.

42 **Comment.** Section 65805 continues former Fish and Game Code Section 1776 without  
43 substantive change.



1       **Comment.** Section 65860 continues former Fish and Game Code Section 1777.5 without  
2 substantive change.

3       **§ 65865. Operator**

4       65865. “Operator” means the department, or a public or private person or entity  
5 approved by the department, to administer a wetlands mitigation bank site.

6       **Comment.** Section 65865 continues former Fish and Game Code Section 1778 without  
7 substantive change.

8       **§ 65870. Permittee**

9       65870. “Permittee” means a public or private person or entity that meets all of  
10 the following conditions:

11       (a) Has received a permit pursuant to Section 404 of the federal Clean Water Act  
12 (33 U.S.C. Sec. 1344 et seq.) for the removal or filling of wetlands, subject to a  
13 condition that allows the permittee to compensate for the wetland loss through  
14 participation in a wetland mitigation bank pursuant to this title.

15       (b) Proposes to compensate for the loss of the wetlands through participation in  
16 a wetlands mitigation bank pursuant to this title.

17       (c) Proposes the discharge at a site within a qualifying urban area and not more  
18 than 40 miles from a bank site with sufficient acreage of the same types of  
19 wetlands that will provide suitable replacement habitat for the values that may be  
20 lost from the conversion of the existing wetlands.

21       **Comment.** Section 65870 continues former Fish and Game Code Section 1778.5 without  
22 substantive change.

23       **§ 65875. Qualifying urban area**

24       65875. “Qualifying urban area” means any of the following when they occur  
25 within the Sacramento-San Joaquin Valley:

26       (a) A geographical area having a population of 50,000 or more inhabitants  
27 within the jurisdiction of a city, or a town, as defined by Sections 20 and 21 of the  
28 Government Code.

29       (b) A portion of any geographical area within a town, as defined in Section 21 of  
30 the Government Code, which has a population density equal to, or exceeding,  
31 1,500 persons per square mile and which has a population of 50,000 or more  
32 inhabitants.

33       (c) A geographical area having a population density equal to, or exceeding,  
34 1,500 persons per square mile, and an adjacent city, as defined in Section 20 of the  
35 Government Code, where the combined population of the geographical area and  
36 the city equals 50,000 or more inhabitants.

37       (d) A geographical area within the sphere of influence of a city or community  
38 services district for which the projected population of the adopted general plan  
39 equals 10,000 or more inhabitants.

40       **Comment.** Section 65875 continues former Fish and Game Code Section 1779 without  
41 substantive change.



1 enhanced wetland values if they otherwise qualify under this title and either of the  
2 following conditions exist:

3 (1) The lands are lands on which rice was grown after January 1, 1996. For  
4 purposes of this paragraph, to qualify as new wetland values, rice shall not have  
5 been grown on the lands for 10 years before the application is submitted pursuant  
6 to Section 65960.

7 (2) The lands are lands on which rice was grown before January 1, 1996. These  
8 lands shall qualify only if there is an increase in wetland habitat value that is equal  
9 to the site being mitigated. For purposes of this paragraph, a wetland value shall  
10 only be provided for lands on which rice was grown that are proposed for wetlands  
11 mitigation for the period when that land is flooded between the harvesting of rice  
12 and the planting of the next crop. This paragraph shall apply only to lands that  
13 were not flooded after harvest between January 1, 1982, and January 1, 1992.

14 (b) Any mitigation site established pursuant to subdivision (a) may be replaced  
15 by a new site of an equal wetland value.

16 (c) This section and Section 65950 shall not be construed to permit waters used  
17 to flood rice fields in order to create wetlands mitigation to be credited as  
18 beneficial to wildlife under federal law.

19 **Comment.** Section 65955 continues former Fish and Game Code Section 1784(c)-(e) without  
20 substantive change.

21 **§ 65960. Application**

22 65960. If any person desires to establish a wetlands mitigation bank site under  
23 this title, the person shall apply to the department for a determination that the bank  
24 site and the operator qualify under the criteria established by the department  
25 pursuant to this title.

26 **Comment.** Section 65960 continues the first sentence of former Fish and Game Code Section  
27 1785 without substantive change.

28 **§ 65965. Determination is “project”**

29 65965. A determination that a bank site qualifies under this title is a project for  
30 purposes of Section 21065 of the Public Resources Code.

31 **Comment.** Section 65965 continues the second sentence of former Fish and Game Code  
32 Section 1785 without substantive change.

33 **§ 65970. Memorandum of understanding requirement**

34 65970. (a) Before any wetlands are created on the bank site qualified pursuant to  
35 Section 65960, the department shall coordinate and shall be a signatory to a  
36 memorandum of understanding with the operator.

37 (b) The United States Environmental Protection Agency, the United States  
38 Army Corps of Engineers, the Fish and Wildlife Service of the United States  
39 Department of the Interior, the Central Valley Regional Water Quality Control  
40 Board, and the State Department of Health Services or its designee, or any of

1 them, may be signatories by indicating to the department their interest in  
2 participating within 90 days of being notified by the department of the  
3 department’s intent to initiate the procedures described in this section and Section  
4 69575.

5 (c) Any county located in whole or in part in the Sacramento-San Joaquin  
6 Valley may, by ordinance, require that it be a signatory to any memorandum of  
7 understanding for a bank site to be established within its boundary.

8 **Comment.** Section 65970 continues former Fish and Game Code Section 1786(a) without  
9 substantive change.

10 **§ 65975. Content of memorandum of understanding**

11 65975. The memorandum of understanding shall include, but is not limited to,  
12 all of the following items:

13 (a) Identification of the mitigation bank site, including the legal property  
14 description, acreage, types, and location of existing wetlands within the  
15 boundaries of the bank site.

16 (b) An agreement, by each of the governmental agencies in Section 65970, that  
17 all new, successfully created wetland acreage shall qualify to be credited against  
18 the approved removal or fill of wetlands located in the qualifying urban area and  
19 within 40 miles of the bank site and is consistent with the procedures set out in this  
20 title.

21 (c) An agreement by the operator to do both of the following:

22 (1) Maintain all wetland habitat within the bank in optimum condition in  
23 perpetuity, barring an unforeseen natural catastrophe that precludes the viability of  
24 wetlands.

25 (2) Establish a trust or bond in favor of the department that provides sufficient  
26 funds to ensure administration, protection, operation, and maintenance in  
27 perpetuity of the wetland habitat acreage and values at the mitigation bank site if  
28 the operator defaults in performing the duties required pursuant to paragraph (1).

29 (d) In the case of privately owned bank sites, identification of the circumstances  
30 that would constitute a major breach of the agreement and that would result in  
31 either the replacement of the operator, or the passing of title from the owner to the  
32 state, or both, including identification of procedures for adequate notice and  
33 opportunity for the operator to be heard and to correct any breach.

34 **Comment.** Section 65975 continues former Fish and Game Code Section 1786(b) without  
35 substantive change.

36 **§ 65980. Payment to county**

37 65980. (a) If the bank site owner is a public entity, that entity shall pay annually  
38 to the county in which the property is located an amount equal to the county taxes  
39 levied on the property at the time title to the bank site is transferred to that entity.  
40 The public entity shall also pay the assessments levied upon the property by any  
41 irrigation, drainage, or reclamation district.

1 (b) Payments under this section shall be made on or before December 10 of each  
2 year, except for newly acquired bank sites, for which payments shall be made  
3 pursuant to subdivision (c).

4 (c) Payments for newly acquired bank sites shall be made within one year of the  
5 date title to the property was transferred to the state, prorated for the balance of the  
6 year from the date title was transferred to the 30th day of June following the date  
7 title was transferred, and, thereafter, payments shall be made on or before  
8 December 10 of each year.

9 **Comment.** Section 65980 continues former Fish and Game Code Section 1787 without  
10 substantive change.

### 11 CHAPTER 3. WETLANDS

#### 12 § 66050. Creation of wetland or vernal pool

13 66050. (a) Upon the successful creation of any wetlands of at least 20 acres, or  
14 in the case of vernal pools, upon successful creation of vernal pools on a site at  
15 least 20 acres in size, the operator may request a determination by the department  
16 of the number of acres in the mitigation bank site, and the relative habitat value  
17 thereof, that qualify for credit against prospective wetland loss in the qualifying  
18 urban area.

19 (b) In determining the amount of mitigation bank credit, no credit shall be  
20 provided for habitat values or acreage that was in existence prior to the  
21 establishment of the bank.

22 **Comment.** Section 66050 continues former Fish and Game Code Section 1790 without  
23 substantive change.

#### 24 § 66055. Determination and classification of wetlands

25 66055. (a) Upon receipt of a request pursuant to Section 66050, the department  
26 shall determine the number of acres that are wetlands in the bank site based on the  
27 criteria established pursuant to Sections 65950 and 69555, and the department  
28 shall classify those wetlands according to established biological criteria.

29 (b) The classifications shall include, but are not limited to, the following wetland  
30 types:

- 31 (1) Perennial freshwater marsh.
- 32 (2) Perennial brackish marsh.
- 33 (3) Seasonal freshwater marsh.
- 34 (4) Wet meadow.
- 35 (5) Vernal pool.
- 36 (6) Riparian woodland.
- 37 (7) Riparian scrub.

38 **Comment.** Section 66055 continues former Fish and Game Code Section 1791 without  
39 substantive change.





1 **Comment.** Section 66200 continues former Fish and Game Code Section 711.4(a)-(b) without  
2 substantive change.

3 **§ 66205. CEQA filing fee**

4 66205. (a) All project applicants and public agencies subject to the California  
5 Environmental Quality Act shall pay a filing fee for each proposed project, as  
6 specified in Section 66215.

7 (b) Filing fees shall be paid at the time and in the amount specified in Section  
8 66215.

9 (c) Notwithstanding Sections 21080.5 and 21081 of the Public Resources Code,  
10 a project shall not be operative, vested, or final, and local government permits for  
11 the project shall not be valid, until the filing fees required pursuant to this article  
12 are paid.

13 **Comment.** Section 66205 continues former Fish and Game Code Section 711.4(c)(1) & (3)  
14 without substantive change.

15 **§ 66210. Exceptions to CEQA filing fee**

16 66210. Notwithstanding subdivision (a) of Section 66205, a filing fee shall not  
17 be paid pursuant to this article if any of the following conditions exist:

18 (a) The project has no effect on fish and wildlife.

19 (b) The project is being undertaken by the department.

20 (c) The project costs are payable by the department from any of the following  
21 sources that are held by the department:

22 (1) The Public Resources Account in the Cigarette and Tobacco Products Surtax  
23 Fund.

24 (2) The California Wildlife, Coastal, and Park Land Conservation Fund of 1988.

25 (3) The Habitat Conservation Fund.

26 (4) The Fisheries Restoration Account in the Fish and Game Preservation Fund.

27 (5) The Commercial Salmon Stamp Dedicated Subaccount in the Fish and Game  
28 Preservation Fund.

29 **(6) Striped bass stamp funds collected pursuant to Section 7360.**

30 (7) The California Ocean Resource Enhancement Account.

31 (d) The project is implemented by the department through a contract with either  
32 a nonprofit entity or a local government agency.

33 **Comment.** Section 66210 continues former Fish and Game Code Section 711.4(c)(2) without  
34 substantive change.

35 **Note.** Existing Section 711.4(c)(2) refers to “striped bass stamp funds collected pursuant to  
36 Section 7360.” Section 7360 was repealed in 2010. See 2009 Cal. Stat. ch. 381. The reference is  
37 continued in bold in proposed Section 66210(c)(6). **The Commission invites comment on how**  
38 **to correct the erroneous reference.** Should it be repealed as obsolete? Replaced with a reference  
39 to the “former” section?

40 **§ 66215. Fee amount**

41 66215. The fees shall be in the following amounts:

1 (a) For a project that is statutorily or categorically exempt from the California  
2 Environmental Quality Act, including those certified regulatory programs that  
3 incorporate statutory and categorical exemptions, a filing fee shall not be paid.

4 (b) For a project for which a negative declaration is prepared pursuant to  
5 subdivision (c) of Section 21080 of the Public Resources Code, the filing fee is  
6 one thousand eight hundred dollars (\$1,800). A local agency collecting the filing  
7 fee shall remit the fee to the county clerk at the time of filing a notice of  
8 determination pursuant to Section 21152 of the Public Resources Code. A state  
9 agency collecting the filing fee shall remit the fee to the Office of Planning and  
10 Research at the time of filing a notice of determination pursuant to Section 21108  
11 of the Public Resources Code.

12 (c) For a project with an environmental impact report prepared pursuant to the  
13 California Environmental Quality Act, the filing fee is two thousand five hundred  
14 dollars (\$2,500). A local agency collecting the filing fee shall remit the fee to the  
15 county clerk at the time of filing a notice of determination pursuant to Section  
16 21152 of the Public Resources Code. A state agency collecting the filing fee shall  
17 remit the fee to the Office of Planning and Research at the time of filing a notice  
18 of determination pursuant to Section 21108 of the Public Resources Code.

19 (d) For a project that is subject to a certified regulatory program pursuant to  
20 Section 21080.5 of the Public Resources Code, the filing fee is eight hundred fifty  
21 dollars (\$850). The filing fee shall be paid to the department before the filing of  
22 the notice of determination pursuant to Section 21080.5 of the Public Resources  
23 Code.

24 **Comment.** Section 66215 continues former Fish and Game Code Section 711.4(d) without  
25 substantive change.

26 **§ 66220. County clerk**

27 66220. (a) The county clerk may charge a documentary handling fee of fifty  
28 dollars (\$50) per filing in addition to the filing fee specified in Section 66215.

29 (b) The county clerk of each county and the Office of Planning and Research  
30 shall maintain a record, both electronic and in paper, of all environmental  
31 documents received. The record shall include, for each environmental document  
32 received, the name of each applicant or lead agency, the document filing number,  
33 the project name as approved by the lead agency, and the filing date. The record  
34 shall be made available for examination or audit by authorized personnel of the  
35 department during normal business hours.

36 **Comment.** Section 66220 continues former Fish and Game Code Section 711.4(e)(1) without  
37 substantive change.

38 **§ 66225. Remittance of fee**

39 66225. (a) The filing fee imposed and collected pursuant to Section 66215 shall  
40 be remitted monthly to the department within 30 days after the end of each month.  
41 The remittance shall be accompanied with the information required pursuant to

1 Section 66220. The amount of fees due shall be reported on forms prescribed and  
2 provided by the department.

3 (b) The department shall assess a penalty of 10 percent of the amount of fees  
4 due for a failure to remit the amount payable when due. The department may  
5 pursue collection of delinquent fees through the Controller’s office pursuant to  
6 Section 12419.5 of the Government Code.

7 **Comment.** Section 66225 continues former Fish and Game Code Section 711.4(e)(2)-(3)  
8 without substantive change.

9 **§ 66230. Nonpayment**

10 66230. (a) Notwithstanding Section 4400, failure to pay the fee under Section  
11 66215 is not a misdemeanor.

12 (b) All unpaid fees are a statutory assessment subject to collection under  
13 procedures as provided in the Revenue and Taxation Code.

14 **Comment.** Section 66230 continues former Fish and Game Code Section 711.4(f) without  
15 substantive change.

16 **Note.** Existing Section 711.4(f) begins with the disclaimer, “Notwithstanding Section  
17 12000...” The only provision of Section 12000 that appears to be relevant to the purpose of that  
18 reference is Section 12000(a). Proposed Section 66230 would refer to the section that continues  
19 Section 12000(a). **The Commission invites Comment on whether that revision would be**  
20 **problematic.**

21 **§ 66235. Number of fees per project**

22 66235. Only one filing fee shall be paid for each project unless the project is  
23 tiered or phased, or separate environmental documents are required.

24 **Comment.** Section 66235 continues former Fish and Game Code Section 711.4(g) without  
25 substantive change.

26 **§ 66240. Effect on specified department duties**

27 66240. This article does not preclude or modify the duty of the department to  
28 recommend, require, permit, or engage in mitigation activities pursuant to the  
29 California Environmental Quality Act.

30 **Comment.** Section 66240 continues former Fish and Game Code Section 711.4(h) without  
31 substantive change.

32 **§ 66245. Coastal Commission permit process**

33 66245. The permit process of the California Coastal Commission, as certified by  
34 the Secretary of the Resources Agency, is exempt from the payment of the filing  
35 fees prescribed by subdivision (d) of Section 66215 insofar as the permits are  
36 issued under any of the following regulations:

37 (a) Subchapter 4 (commencing with Section 13136) of Chapter 5 of Division 5.5  
38 of Title 14 of the California Code of Regulations.

39 (b) Subchapter 1 (commencing with Section 13200), Subchapter 3 (commencing  
40 with Section 13211), Subchapter 3.5 (commencing with Section 13214),

1 Subchapter 4 (commencing with Section 13215), Subchapter 4.5 (commencing  
2 with Section 13238), Subchapter 5 (commencing with Section 13240), Subchapter  
3 6 (commencing with Section 13250), and Subchapter 8 (commencing with Section  
4 13255.0) of Section 66215 14 of the California Code of Regulations.

5 **Comment.** Section 66245 continues former Fish and Game Code Section 711.4(i) without  
6 substantive change.

7 **Note.** Existing Section 711.4(i) refers to “Subchapter 3 (commencing with Section 13213).”  
8 That appears to be an error. Subchapter 3 begins with Section 13211, not Section 13213.  
9 Proposed Section 66245 corrects that error. **The Commission invites comment on whether the**  
10 **change would cause any problems.**

11 **§ 66250. Federal agencies**

12 66250. (a) The fish and wildlife resources are held in trust for the people of the  
13 state by and through the department.

14 (b) Insofar as state wildlife trust resources exist and depend upon federal  
15 proprietary lands or federal land and water adjacent to or affecting state trust  
16 resources, all persons engaging in projects or activities under federal license,  
17 contract, or permit, to the extent permitted by federal law, shall be governed by  
18 this article and shall pay project filing fees unless the payment of state filing and  
19 permit fees is explicitly preempted by the authority of the federal agency  
20 permitting the use or modification of state trust resources.

21 (c) Insofar as state wildlife trust resources exist and depend upon federal  
22 proprietary lands or federal lands and waters adjacent to or affecting state trust  
23 resources, all federal agencies acting in their proprietary capacity, to the extent  
24 permitted by federal law, shall be governed by this article and Sections 10005 and  
25 21089 of the Public Resources Code, unless the payment of state filing and permit  
26 fees is explicitly preempted by the authority of a particular federal agency.

27 (d) If a court of competent jurisdiction finds that any provision of this section or  
28 the application thereof to any federal agency, person, or circumstances is held  
29 invalid, that invalidity shall not affect other provisions or applications of the  
30 section which can be given effect without the invalid provision or application, and  
31 to this end the provisions of this section are severable.

32 **Comment.** Section 66250 continues former Fish and Game Code Section 711.7 without  
33 substantive change.

34 **Note.** To the extent permitted by federal law, existing Section 711.7 provides for the  
35 application of “this article” to “all persons engaging in projects or activities under federal license,  
36 contract, or permit” and to “all federal agencies acting in their proprietary capacity.” The  
37 language of the section strongly suggests that its purpose is to require such persons and agencies  
38 to pay state filing and permit fees.

39 Technically, the reference to “this article” has broader application than that. Section 711.7 is  
40 included in an article that contains numerous provisions addressing different topics. However,  
41 with the exception of Section 711.4, none of those provisions appear to be relevant to the matters  
42 addressed by Section 711.7. For that reason, Section 711.7 has been located within an article  
43 containing Section 711.4; the references to “this article” have not been changed. Consequently,

1 those references would only encompass Section 711.4. **The Commission believes that this**  
2 **would preserve the meaning of the references, without substantive change, but invites**  
3 **public comment on that point.**

4 PART 3. POLLUTION

5 TITLE 1. WATER POLLUTION

6 CHAPTER 1. PROHIBITIONS

7 Article 1. Contaminants

8 **§ 66500. Prohibition**

9 66500. Except as provided in Section 66505, it is unlawful to deposit in, permit  
10 to pass into, or place where it can pass into the waters of this state any of the  
11 following:

12 (a) Any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or  
13 residuary product of petroleum, or carbonaceous material or substance.

14 (b) Any refuse, liquid or solid, from any refinery, gas house, tannery, distillery,  
15 chemical works, mill, or factory of any kind.

16 (c) Any sawdust, shavings, slabs, or edgings.

17 (d) Any factory refuse, lime, or slag.

18 (e) Any cocculus indicus.

19 (f) Any substance or material deleterious to fish, plant life, mammals, or bird  
20 life.

21 **Comment.** Section 66500 continues former Fish and Game Code Section 5650(a) without  
22 substantive change.

23 **§ 66505. Exception**

24 66505. This article does not apply to a discharge or a release that is expressly  
25 authorized pursuant to, and in compliance with, the terms and conditions of a  
26 waste discharge requirement pursuant to Section 13263 of the Water Code or a  
27 waiver issued pursuant to subdivision (a) of Section 13269 of the Water Code  
28 issued by the State Water Resources Control Board or a regional water quality  
29 control board after a public hearing, or that is expressly authorized pursuant to,  
30 and in compliance with, the terms and conditions of a federal permit for which the  
31 State Water Resources Control Board or a regional water quality control board  
32 has, after a public hearing, issued a water quality certification pursuant to Section  
33 13160 of the Water Code. This article does not confer additional authority on the  
34 State Water Resources Control Board, a regional water quality control board, or  
35 any other entity.

36 **Comment.** Section 66505 continues former Fish and Game Code Section 5650(b) without  
37 substantive change.



1 (c) This section does not apply to a refuse disposal site that is authorized by the  
2 appropriate local agency having jurisdiction or to the depositing of those materials  
3 in a container from which the materials are routinely removed to a legal point of  
4 disposal.

5 (d) This section shall be enforced by all law enforcement officers of this state.

6 **Comment.** Section 66525 continues former Fish and Game Code Section 5652 without  
7 substantive change.

## 8 CHAPTER 2. ENFORCEMENT

### 9 Article 1. Civil Action

#### 10 § 66550. Civil penalty for water pollution

11 66550. (a) A person who violates Article 1 (commencing with Section 66500) of  
12 Chapter 1 is subject to a civil penalty of not more than twenty-five thousand  
13 dollars (\$25,000) for each violation.

14 (b) The civil penalty imposed for each separate violation pursuant to this article  
15 is separate, and in addition to, any other civil penalty imposed for a separate  
16 violation pursuant to this article or any other provision of law, except as provided  
17 in Section 66565.

18 (c) In determining the amount of a civil penalty imposed pursuant to this article,  
19 the court shall take into consideration all relevant circumstances, including, but  
20 not limited to, the nature, circumstance, extent, and gravity of the violation. In  
21 making this determination, the court shall consider the degree of toxicity and  
22 volume of the discharge, the extent of harm caused by the violation, whether the  
23 effects of the violation may be reversed or mitigated, and with respect to the  
24 defendant, the ability to pay, the effect of any civil penalty on the ability to  
25 continue in business, any voluntary cleanup efforts undertaken, any prior history  
26 of violations, the gravity of the behavior, the economic benefit, if any, resulting  
27 from the violation, and any other matters the court determines justice may require.

28 **Comment.** Section 66550 continues former Fish and Game Code Section 5650.1(a)-(c)  
29 without substantive change.

#### 30 § 66555. Additional penalty based on volume of discharge

31 66555. Except as provided in Section 66565, in addition to any other penalty  
32 provided by law, a person who violates Article 1 (commencing with Section  
33 66500) of Chapter 1 is subject to a civil penalty of not more than ten dollars (\$10)  
34 for each gallon or pound of material discharged. The total amount of the civil  
35 penalty shall be reduced for every gallon or pound of the illegally discharged  
36 material that is recovered and properly disposed of by the responsible party.

37 **Comment.** Section 66555 continues former Fish and Game Code Section 5650.1(i) without  
38 substantive change.

1    **§ 66565. Limitation on application of civil penalty**

2       66565. A person shall not be subject to a civil penalty imposed under this article  
3 and to a civil penalty imposed pursuant to Article 9 (commencing with Section  
4 8670.57) of Chapter 7.4 of Division 1 of Title 2 of the Government Code for the  
5 same act or failure to act.

6       **Comment.** Section 66565 continues former Fish and Game Code Section 5650.1(j) without  
7 substantive change.

8    **§ 66570. Apportionment of penalty**

9       66570. All civil penalties collected pursuant to this article shall not be  
10 considered fines or forfeitures as defined in Section 3610 and shall be apportioned  
11 in the following manner:

12       (a) Fifty percent shall be distributed to the county treasurer of the county in  
13 which the action is prosecuted. Amounts paid to the county treasurer shall be  
14 deposited in the county fish and wildlife propagation fund established pursuant to  
15 Section 3900.

16       (b) Fifty percent shall be distributed to the department for deposit in the Fish and  
17 Game Preservation Fund. These funds may be expended to cover the costs of legal  
18 actions or for any other law enforcement purpose consistent with Section 9 of  
19 Article XVI of the California Constitution.

20       **Comment.** Section 66570 continues former Fish and Game Code Section 5650.1(h) without  
21 substantive change.

22    **§ 66575. Civil action**

23       66575. (a) Every civil action brought under this article shall be brought by the  
24 Attorney General upon complaint by the department, or by the district attorney or  
25 city attorney in the name of the people of the State of California, and any actions  
26 relating to the same violation may be joined or consolidated.

27       (b) In a civil action brought pursuant to this article in which a temporary  
28 restraining order, preliminary injunction, or permanent injunction is sought, it is  
29 not necessary to allege or prove at any stage of the proceeding that irreparable  
30 damage will occur if the temporary restraining order, preliminary injunction, or  
31 permanent injunction is not issued, or that the remedy at law is inadequate.

32       (c) After the party seeking the injunction has met its burden of proof, the court  
33 shall determine whether to issue a temporary restraining order, preliminary  
34 injunction, or permanent injunction without requiring the defendant to prove that it  
35 will suffer grave or irreparable harm. The court shall make the determination  
36 whether to issue a temporary restraining order, preliminary injunction, or  
37 permanent injunction by taking into consideration, among other things, the nature,  
38 circumstance, extent, and gravity of the violation, the quantity and characteristics  
39 of the substance or material involved, the extent of environmental harm caused by  
40 the violation, measures taken by the defendant to remedy the violation, the relative

1 likelihood that the material or substance involved may pass into waters of the  
2 state, and the harm likely to be caused to the defendant.

3 (d) The court, to the maximum extent possible, shall tailor a temporary  
4 restraining order, preliminary injunction, or permanent injunction narrowly to  
5 address the violation in a manner that will otherwise allow the defendant to  
6 continue business operations in a lawful manner.

7 **Comment.** Section 66575 continues former Fish and Game Code Section 5650.1(d)-(g)  
8 without substantive change.

9  **Note.** Existing Section 5650.1 authorizes the imposition of a civil penalty, in a civil action,  
10 for a violation of existing Section 5650 (proposed Section 66500). Existing Section 5650.1(e)  
11 provides special rules for injunctive relief in a civil action brought pursuant to “this chapter.”  
12 Given that Section 5650.1 appears to address only a violation of Section 5650, the reference to  
13 “this chapter” appears to be erroneously overbroad. In proposed Section 66575, the reference has  
14 been narrowed to “this article.” **The Commission invites comment on whether that revision**  
15 **would cause any problems.**

## 16 Article 2. Criminal Enforcement

### 17 § 66600. Base penalty

18 66600. The punishment for a violation of subdivisions (a) or (b) of Section  
19 66500 is a fine of not more than two thousand dollars (\$2,000), imprisonment in a  
20 county jail for not more than one year, or both the fine and imprisonment

21 **Comment.** Section 66600 continues former Fish and Game Code Section 12002(b)(4) without  
22 substantive change.

### 23 § 66605. Additional penalty

24 66605. (a) In addition to the penalty provided in Section 66600, any person  
25 convicted of a violation of Section 66500 is subject to an additional fine of all of  
26 the following:

27 (1) Not more than ten dollars (\$10) for each gallon or pound of material  
28 discharged. The amount of the fine shall be reduced for every gallon or pound of  
29 the illegally discharged material that is recovered and properly disposed of by the  
30 responsible party.

31 (2) An amount equal to the reasonable costs incurred by the state or local agency  
32 for cleanup and abatement and to fully mitigate all actual damages to fish, plant,  
33 bird, or animal life and habitat.

34 (3) Where the state or local agency is required to undertake cleanup or remedial  
35 action because the responsible person refuses or is unable to fully clean up the  
36 discharge, an amount equal to the reasonable costs incurred by the state or local  
37 agency, in addition to the amount of funds, if any, expended by the responsible  
38 person, in cleaning up the illegally discharged material or abating its effects, or  
39 both cleaning up and abating those effects.

1 (b) Notwithstanding the jurisdiction of the department over illegal discharges  
2 and pollution as provided in Article 1 (commencing with Section 66500) of  
3 Chapter 1, the fines specified in this section do not apply to discharges in  
4 compliance with a national pollution discharge elimination system permit or a  
5 state or regional board waste discharge permit.

6 **Comment.** Section 66605 continues former Fish and Game Code Section 12011 without  
7 substantive change.

8 CHAPTER 3. CLEAN-UP

9 **§ 66700. Continuing pollution**

10 66700. Whenever it is determined by the department that a continuing and  
11 chronic condition of pollution exists, the department shall report that condition to  
12 the appropriate regional water quality control board, and shall cooperate with the  
13 board in obtaining correction or abatement in accordance with any laws  
14 administered by the board for the control of practices for sewage and industrial  
15 waste disposal.

16 **Comment.** Section 66700 continues former Fish and Game Code Section 5651 without  
17 substantive change.

18 **§ 66705. Responsible party obligations**

19 66705. (a) It is the intent of the Legislature that expeditious cleanup is the  
20 primary interest of the people of the State of California in order to protect the  
21 people and the environment of the state.

22 (b) In addition to any other penalty, anyone responsible for polluting,  
23 contaminating, or obstructing waters of this state, or depositing or discharging  
24 materials threatening to pollute, contaminate, or obstruct waters of this state, to the  
25 detriment of fish, plant, bird, or animal life in those waters, shall be required to  
26 remove any substance placed in the waters, or to remove any material threatening  
27 to pollute, contaminate, or obstruct waters of this state, which can be removed,  
28 that caused the prohibited condition, or to pay the costs of the removal by the  
29 department.

30 (c) Prior to taking any action committing the use of state funds pursuant to this  
31 section or Section 66710, the department shall first make a reasonable effort to  
32 have the person responsible, when that person is known and readily available,  
33 remove, or agree to pay for the removal of, the substance causing the prohibited  
34 condition, if the responsible person acts expeditiously and does not cause the  
35 prohibited condition to be prolonged to the detriment of fish, plant, animal, or bird  
36 life in the affected waters. When the responsible party is unknown or is not  
37 providing adequate and timely cleanup, the emergency reserve account of the  
38 Toxic Substances Control Account in the General Fund shall be used to provide  
39 funding for the cleanup pursuant to Section 25354 of the Health and Safety Code.  
40 When those or other funds are not available, moneys in the Fish and Wildlife

1 Pollution Account shall be available, in accordance with Section 67510, for  
2 funding the cleanup expenses.

3 **Comment.** Section 66705 continues former Fish and Game Code Section 12015 without  
4 substantive change.

5 **§ 66710. Department clean-up of petroleum products**

6 66710. (a) In addition to the responsibilities imposed pursuant to Section 66700,  
7 the department may clean up or abate, or cause to be cleaned up or abated, the  
8 effects of any petroleum or petroleum product deposited or discharged in the  
9 waters of this state or deposited or discharged in any location onshore or offshore  
10 where the petroleum or petroleum product is likely to enter the waters of this state,  
11 order any person responsible for the deposit or discharge to clean up the petroleum  
12 or petroleum product or abate the effects of the deposit or discharge, and recover  
13 any costs incurred as a result of the cleanup or abatement from the responsible  
14 party.

15 (b) An order shall not be issued pursuant to this section for the cleanup or  
16 abatement of petroleum products in any sump, pond, pit, or lagoon used in  
17 conjunction with crude oil production that is in compliance with all applicable  
18 state and federal laws and regulations.

19 (c) The department may issue an order pursuant to this section only if there is an  
20 imminent and substantial endangerment to human health or the environment and  
21 the order shall remain in effect only until any cleanup and abatement order is  
22 issued pursuant to Section 13304 of the Water Code. A regional water quality  
23 control board shall incorporate the department's order into the cleanup and  
24 abatement order issued pursuant to Section 13304 of the Water Code, unless the  
25 department's order is inconsistent with any more stringent requirement established  
26 in the cleanup and abatement order. Any action taken in compliance with the  
27 department's order is not a violation of any subsequent regional water quality  
28 control board cleanup and abatement order issued pursuant to Section 13304 of the  
29 Water Code.

30 (d) The Administrator of the Office of Spill Prevention and Response has the  
31 primary authority to serve as a state incident commander and direct removal,  
32 abatement, response, containment, and cleanup efforts with regard to all aspects of  
33 any placement of petroleum or a petroleum product in the waters of the state,  
34 except as otherwise provided by law. This authority may be delegated.

35 (e) For purposes of this section, the following definitions apply:

36 (1) "Petroleum product" means oil of any kind or form, including, but not  
37 limited to, fuel oil, sludge, oil refuse, and oil mixed with waste other than dredged  
38 spoil. "Petroleum product" does not include any pesticide that has been applied for  
39 agricultural, commercial, or industrial purposes or that has been applied in  
40 accordance with a cooperative agreement authorized by Section 116180 of the  
41 Health and Safety Code, that has not been discharged accidentally or for purposes

1 of disposal, and the application of which was in compliance with all applicable  
2 state and federal laws and regulations.

3 (2) “State incident commander” means a person with the overall authority for  
4 managing and conducting incident operations during an oil spill response, who  
5 shall manage an incident consistent with the standardized emergency management  
6 system required by Section 8607 of the Government Code. Incident management  
7 generally includes the development of objectives, strategies, and tactics, ordering  
8 and release of resources, and coordinating with other appropriate response  
9 agencies to ensure that all appropriate resources are properly utilized and that this  
10 coordinating function is performed in a manner designed to minimize risk to other  
11 persons and to the environment.

12 **Comment.** Section 66710 continues former Fish and Game Code Section 5655 without  
13 substantive change.

14 **§ 66715. Civil liability for damages and clean-up costs**

15 66715. (a) In addition to any other provision of law, any person who discharges  
16 or deposits any substance or material deleterious to fish, plant, bird, or animal life  
17 or their habitat into, or which threatens to enter, the waters of this state is liable  
18 civilly to the department for all actual damages to fish, plant, bird, or animal life or  
19 their habitat and, in addition, for the reasonable costs incurred in cleaning up the  
20 deleterious substance or material or abating its effects, or both.

21 (b) For the purposes of this section, “deleterious substance or material” does not  
22 include substances or materials otherwise expressly permitted or authorized to be  
23 deposited or discharged into waters of the state by law.

24 **Comment.** Section 66715 continues former Fish and Game Code Section 12016 without  
25 substantive change.

26 **CHAPTER 4. FISHING CLOSURE**

27 **§ 66800. Closure**

28 66800. (a) Notwithstanding Section 11500 and except as provided in Section  
29 66820, within 24 hours of a spill or discharge, the director shall close to the take of  
30 fish and shellfish all affected waters where fishing, including all commercial,  
31 recreational, and nonlicensed subsistence fishing, may take place, or where  
32 aquaculture operations are taking place.

33 (b) For the purposes of subdivision (a), the following terms have the specified  
34 meanings:

35 (1) “Affected waters” means all waters in the vicinity of the spill or discharge or  
36 where the spilled or discharged material has spread, or is likely to spread.

37 (2) “Discharge” and “spill” have the meanings provided in Section 8670.3 of the  
38 Government Code.

39 (c) In determining where a spill or discharge is likely to spread, the director shall  
40 consult with the Administrator of the Office of Spill Prevention and Response.

1 (d) At the time of closure, the department shall make all reasonable efforts to  
2 notify the public of the closure, including notification to commercial and  
3 recreational fishing organizations, and posting of warnings on public piers and  
4 other locations where subsistence fishing is known to occur. The department shall  
5 coordinate, when possible, with local and regional agencies and organizations to  
6 expedite public notification.

7 (e) Closure pursuant to this section is not required if, within 24 hours of  
8 notification of a spill or discharge, the Office of Environmental Health Hazard  
9 Assessment finds that a public health threat does not or is unlikely to exist.

10 **Comment.** Subdivisions (a) and (b) of Section 66800 restate the first sentence of former Fish  
11 and Game Code Section 5654(a)(1) without substantive change.

12 Subdivisions (c) and (d) continue the remaining sentences of former Fish and Game Code  
13 Section 5654(a)(1) without substantive change.

14 Subdivision (e) continues former Fish and Game Code Section 5654(a)(2) without substantive  
15 change.

16 **Note.** Proposed Section 66800(a)-(b) would restate the first sentence of existing Section  
17 5654(a)(1) to improve its clarity, without changing its substantive effect. The existing provision  
18 reads as follows:

19 “Notwithstanding Section 5523 and except as provided in paragraph (2), the director, within 24  
20 hours of notification of a spill or discharge, as those terms are defined in Section 8670.3 of the  
21 Government Code, where any fishing, including all commercial, recreational, and nonlicensed  
22 subsistence fishing, may take place, or where aquaculture operations are taking place, shall close  
23 to the take of all fish and shellfish all waters in the vicinity of the spill or discharge or where the  
24 spilled or discharged material has spread, or is likely to spread.”

25 **The Commission invites comment on whether that restatement would cause any problems.**

26 **§ 66805. Assessment of closure**

27 66805. Within 48 hours of notification of a spill or discharge subject to Section  
28 66800, the director, in consultation with the Office of Environmental Health  
29 Hazard Assessment, shall make an assessment and determine all of the following:

30 (a) The danger posed to the public from fishing in the area where the spill or  
31 discharge occurred or spread, and the danger of consuming fish taken in the area  
32 where the spill or discharge occurred or spread.

33 (b) Whether the areas closed for the take of fish or shellfish should be expanded  
34 to prevent any potential take or consumption of any fish or shellfish that may have  
35 been contaminated by the spill or discharge.

36 (c) The likely period for maintaining a closure on the take of fish and shellfish in  
37 order to prevent any possible contaminated fish or shellfish from being taken or  
38 consumed or other threats to human health.

39 **Comment.** Section 66805 continues former Fish and Game Code Section 5654(b) without  
40 substantive change.

1    **§ 66810. Immediate reopening**

2       66810. If the director finds in his or her assessment pursuant to Section 66805  
3 that there is no significant risk to the public or to the fisheries, the director may  
4 immediately reopen the closed area and waive the testing requirements of Sections  
5 66820 and 66830.

6       **Comment.** Section 66810 continues former Fish and Game Code Section 5654(d) without  
7 substantive change.

8       ☞ **Note.** Existing Section 5654(d) refers to the “testing requirements” of Section 5654(e) and  
9 (f). Section 5654(f) (proposed Section 66830) does not appear to impose any testing  
10 requirements. **The Commission invites comment on whether the cross-reference to that**  
11 **provision can be deleted as erroneous.**

12    **§ 66820. Expedited testing**

13       66820. Except under the conditions specified in Section 66810, after complying  
14 with Sections 66800 and 66805, the director, in consultation with the Office of  
15 Environmental Health Hazard Assessment, but in no event more than seven days  
16 from the notification of the spill or discharge, shall order expedited tests of fish  
17 and shellfish that would have been open for take for commercial, recreational, or  
18 subsistence purposes in the closed area if not for the closure, to determine the  
19 levels of contamination, if any, and whether the fish or shellfish is safe for human  
20 consumption.

21       **Comment.** Section 66820 continues former Fish and Game Code Section 5654(e) without  
22 substantive change.

23    **§ 66825. Assessment of fish aboard vessel in closed area**

24       66825. Within 48 hours after receiving notification of a spill or discharge  
25 subject to Section 66800, or as soon as is feasible, the director, in consultation  
26 with the Office of Environmental Health Hazard Assessment, shall assess and  
27 determine the potential danger from consuming fish that have been contained in a  
28 recirculating seawater tank onboard a vessel that may become contaminated by the  
29 vessel’s movement through an area where the spill or discharge occurred or  
30 spread.

31       **Comment.** Section 66825 continues former Fish and Game Code Section 5654(c) without  
32 substantive change.

33    **§ 66830. Action in response to OEHHA assessment**

34       66830. (a) Within 24 hours of receiving a notification from the Office of  
35 Environmental Health Hazard Assessment that no threat to human health exists  
36 from the spill or discharge or that no contaminant from the spill or discharge is  
37 present that could contaminate fish or shellfish, the director shall reopen the areas  
38 closed pursuant to this chapter. The director may maintain a closure in any  
39 remaining portion of the closed area where the Office of Environmental Health

1 Hazard Assessment finds contamination from the spill or discharge persists that  
2 may adversely affect human health.

3 (b) The director, in consultation with the commission, may also maintain a  
4 closure in any remaining portion of the closed area where commercial fishing or  
5 aquaculture occurs and where the department determines, pursuant to this  
6 subdivision, that contamination from the spill or discharge persists that may cause  
7 the waste of commercial fish or shellfish as regulated by Section 21610.

8 **Comment.** Section 66830 continues former Fish and Game Code Section 5654(f) without  
9 substantive change.

10 **§ 66835. Consultation with affected groups**

11 66835. (a) To the extent feasible, the director shall consult with representatives  
12 of commercial and recreational fishing associations and subsistence fishing  
13 communities regarding the extent and duration of a closure, testing protocols, and  
14 findings.

15 (b) If a spill or discharge occurs within the lands governed by a Native  
16 American tribe or affects waters flowing through tribal lands, or tribal fisheries,  
17 the director shall consult with the affected tribal governments.

18 **Comment.** Section 66835 continues former Fish and Game Code Section 5654(g) without  
19 substantive change.

20 **§ 66840. Reimbursement of costs**

21 66840. The director shall seek full reimbursement from the responsible party or  
22 parties for the spill or discharge for all reasonable costs incurred by the department  
23 in carrying out this chapter, including, but not limited to, all testing.

24 **Comment.** Section 66840 continues former Fish and Game Code Section 5654(h) without  
25 substantive change.

26 TITLE 2. CALIFORNIA MARINE RESOURCES  
27 LEGACY ACT

28 CHAPTER 1. GENERAL PROVISIONS

29 Article 1. Preliminary Provisions

30 **§ 67000. Short title**

31 67000. This act shall be known, and may be cited, as the California Marine  
32 Resources Legacy Act.

33 **Comment.** Section 67000 continues former Fish and Game Code Section 6600 without  
34 substantive change.

1    **§ 67005. Findings and declarations**

2       67005. The Legislature finds and declares all of the following:

3       (a) California’s extraordinary marine biological diversity is a vital asset to the  
4 state and nation. The diversity of species and ecosystems found in the ocean  
5 waters off the state is important to public health and well-being, ecological health,  
6 and ocean-dependent economic activities.

7       (b) Although the state maintains various programs to protect, restore, and  
8 enhance California’s marine resources, the effect of these programs is limited by  
9 inadequate and unstable funding.

10       (c) There is an existing permitting process for decommissioning and fully  
11 removing offshore oil platforms or production facilities. Owners and operators are  
12 currently responsible for the full cost of decommissioning and remediating those  
13 facilities.

14       (d) According to the United States Department of the Interior, the 23 oil and gas  
15 platforms in federal waters off the California coast are expected to reach the end of  
16 their useful production lifetimes and be decommissioned between 2015 and 2030.

17       (e) The California Ocean Science Trust in its June 2010 study, titled “Evaluating  
18 Alternatives for Decommissioning California’s Offshore Oil and Gas Platforms: A  
19 Technical Analysis to Inform State Policy,” analyzed a number of  
20 decommissioning alternatives to full rig removal and determined that the most  
21 likely alternative is to remove the upper portion of the rig and leave the remainder  
22 of the structure in place.

23       (f) The California Ocean Science Trust report and other studies indicate that the  
24 partial removal option can result in a net benefit to the marine environment and  
25 substantial cost savings compared to full removal of an oil platform or production  
26 facility.

27       (g) Provided that partial removal of an oil rig would result in a net benefit to the  
28 marine environment compared to full removal, it is in the interest of the state that a  
29 portion of the cost savings that result from partial removal should be shared with  
30 the citizens of this state to protect and enhance the state’s marine resources.

31       (h) It is also in the interest of the state that any program to allow partial removal  
32 of oil platforms meet all of the following criteria:

33       (1) Partial removal shall result in a net benefit to the marine environment  
34 compared to full removal.

35       (2) The determination of whether partial removal would result in a net benefit to  
36 the marine environment should be made only after scientific study and evaluation.

37       (3) Because the location and depth of an oil platform, as well as other ecological  
38 factors, create a unique environment, each oil platform shall be subject to  
39 scientific study and evaluation before partial removal is allowed.

40       (4) The costs of the scientific study and evaluation should be borne by the  
41 applicant.

42       **Comment.** Section 67005 continues former Fish and Game Code Section 6601 without  
43 substantive change.

1 § 67010. Definitions

2 67010. For purposes of this title, the following terms have the following  
3 meanings:

4 (a) “Applicant” means the owner or operator of an offshore oil structure in state  
5 or federal waters or another party responsible for decommissioning an offshore oil  
6 structure in state or federal waters who applies pursuant to this title to carry out  
7 partial removal of the structure.

8 (b) “Commission” means the State Lands Commission.

9 (c) “Conservancy” means the State Coastal Conservancy.

10 (d) “Cost savings” means the difference between the estimated cost to the  
11 applicant of complete removal of an oil platform as required by state and federal  
12 leases and the estimated costs to the applicant of partial removal of the oil  
13 platform pursuant to this title.

14 (e) “Council” means the Ocean Protection Council.

15 (f) “Endowment” means the California Endowment for Marine Preservation  
16 established in Division 37 (commencing with Section 71500) of the Public  
17 Resources Code.

18 (g) “Exclusive economic zone (EEZ)” means the zone as measured from the  
19 mean high tide line seaward to 200 nautical miles, as set forth in Presidential  
20 Proclamation 5030 of March 10, 1983, in which the United States proclaimed  
21 jurisdiction over the resources of the ocean within 200 miles of the coastline.

22 (h) “National Fishing Enhancement Act of 1984” means Title II of Public Law  
23 98-623.

24 (i) “Offshore oil structure” means platforms, piers, and artificial islands located  
25 seaward of mean lower low water, used for oil and gas exploration, development,  
26 production, processing, or storage.

27 (j) “Oil” means any kind of petroleum, liquid hydrocarbons, natural gas, or  
28 petroleum products or any fraction or residues therefrom.

29 (k) “Open coastal marine resources” means those marine resources that use open  
30 coastal waters as their habitat.

31 (l) “Open coastal waters” means the area composed of the submerged lands of  
32 the state that are below the mean lower low water, extending seaward to the  
33 boundaries of the exclusive economic zone.

34 (m) “Partial removal” means an alternative to full removal of an offshore oil  
35 structure, in compliance with all requirements of this title.

36 (n) “State waters” means waters within the seaward boundary of the state as  
37 identified in Section 2 of Article III of the California Constitution.

38 **Comment.** Section 67010 continues former Fish and Game Code Section 6602 without  
39 substantive change.



1    **§ 67065. Proposal for partial removal is a project**

2       67065. (a) A proposed project to partially remove an offshore oil structure  
3       pursuant to this title is a project as defined in subdivision (c) of Section 21065 of  
4       the Public Resources Code and is therefore subject to the California  
5       Environmental Quality Act (Division 13 (commencing with Section 21000) of the  
6       Public Resources Code) and shall be reviewed pursuant to the time limits  
7       established in Section 21100.2 of the Public Resources Code.

8       (b) The Natural Resources Agency shall serve as the lead agency for the  
9       environmental review of any project proposed pursuant to this title.

10      **Comment.** Section 67065 continues former Fish and Game Code Section 6604 without  
11      substantive change.

12    **§ 67070. No limitation on liability**

13       67070. Nothing in this title shall be construed to do any of the following:

14       (a) Relieve the applicant or prior owner or operator of an offshore oil structure  
15       from any continuing liability under any of the following, if the liability is  
16       associated with seepage or release of oil from an offshore oil structure that was  
17       decommissioned pursuant to an order of, or any action taken by, and in accordance  
18       with, any applicable rule or regulation of, any federal or state agency:

19           (1) Any state statute or regulation regarding liability for the spilling of oil.

20           (2) The federal Oil Pollution Act of 1990 (33 U.S.C. Sec. 2701 et seq.).

21           (3) Any other provision of law.

22       (b) Establish any new liability on the part of the state.

23       (c) Require any agency with jurisdiction to approve the partial removal of an  
24       offshore oil structure.

25       (d) Promote, encourage, or facilitate offshore oil exploration, development, and  
26       production within California’s open coastal waters.

27       (e) Require the United States Department of the Interior or the commission to  
28       modify, amend, or alter an existing oil and gas lease to approve partial removal of  
29       an offshore oil structure.

30       (f) Alter any existing law or applicable rule or regulation of any federal or state  
31       agency that establishes liability for damages arising with respect to artificial reefs  
32       or reef materials, including, but not limited to, components of decommissioned oil  
33       structures.

34       (g) Alter any existing law or policy that protects natural reefs.

35       (h) Approve any particular method of abandonment.

36      **Comment.** Section 67070 continues former Fish and Game Code Section 6605(b) without  
37      substantive change.

38    **§ 67075. Partial removal is not mitigation**

39       67075. Any partial removal of an offshore oil structure pursuant to this title shall  
40       not be used or counted as mitigation for any environmental impacts or natural  
41       resource damages.

1     **Comment.** Section 67075 continues former Fish and Game Code Section 6605(c) without  
2 substantive change.

3     **§ 67080. Regulation**

4     67080. The department may adopt regulations to implement this title.

5     **Comment.** Section 67080 continues former Fish and Game Code Section 6603(f) without  
6 substantive change.

7                             CHAPTER 2. PARTIAL REMOVAL OF OFFSHORE OIL  
8   STRUCTURES

9   Article 1. Application

10    **§ 67100. Application generally**

11    67100. (a) An owner or operator, or other party responsible for  
12 decommissioning, of an offshore oil structure may apply to the department for  
13 approval to partially remove the structure pursuant to the requirements of this title.

14    (b) The department shall design and make available to potential applicants an  
15 application process that will facilitate review of the application by the department  
16 in a timely manner, consistent with Section 67065.

17    (c) Upon receipt of an application pursuant to this section, the department shall  
18 transmit a copy of the application to the council, the commission, and the  
19 endowment, which shall constitute notice to these agencies.

20    **Comment.** Section 67100 continues former Fish and Game Code Section 6610 without  
21 substantive change.

22    **§ 67105. Application content**

23    67105. (a) The application for partial removal shall include, at a minimum, all of  
24 the following:

25    (1) The applicant's plan and schedule for partial removal of the offshore oil  
26 structure, including removal of any portion of the structure as appropriate to  
27 maintain navigational safety.

28    (2) A determination of the estimated cost of partial removal and the estimated  
29 cost of full removal.

30    (3) A determination of the environmental impacts and benefits to the marine  
31 environment from partial removal and full removal of the structure.

32    (4) Identification of all permits, leases, and approvals required by any  
33 governmental agency, including a permit issued by the United States Army Corps  
34 of Engineers if required for offshore oil structures, and a lease issued by the  
35 commission if the proposed project involves state tidelands and submerged lands,  
36 and a proposed schedule for the applicant or the state to receive those permits,  
37 leases, and approvals.

1 (b) The department may require the applicant to submit a management plan for  
2 the structure following partial removal, including maintenance in a manner  
3 consistent with navigational safety, enforcement, and monitoring.

4 (c) The information submitted pursuant to subdivisions (a) and (b) shall be used  
5 by the department for advisory purposes only. Final determinations regarding the  
6 partial removal and management of the offshore oil structure, net benefit to the  
7 marine environment from partial removal, and cost savings from partial removal  
8 shall be made solely by the department, council, and commission, as specified in  
9 this title, based on their independent review and judgment.

10 **Comment.** Section 67105 continues former Fish and Game Code Section 6611 without  
11 substantive change.

12 **§ 67110. Application completeness**

13 67110. Upon receipt of an application to partially remove an offshore oil  
14 structure pursuant to this title, the department shall determine whether the  
15 application is complete and includes all information needed by the department.

16 **Comment.** Section 67110 continues former Fish and Game Code Section 6612(a) without  
17 substantive change.

18 **§ 67115. Financial assurances**

19 67115. (a) Upon a determination that the application is complete, the applicant  
20 shall provide surety bonds executed by an admitted surety insurer, irrevocable  
21 letters of credit, trust funds, or other forms of financial assurances, determined by  
22 the department to be available and adequate, to ensure that the applicant will  
23 provide sufficient funds to the department, council, commission, and conservancy  
24 to carry out all required activities pursuant to this chapter, including all of the  
25 following:

26 (1) Environmental review of the proposed project pursuant to Section 67065.

27 (2) A determination of net environmental benefit pursuant to Article 2  
28 (commencing with Section 67150).

29 (3) A determination of cost savings pursuant to Article 3 (commencing with  
30 Section 67200).

31 (4) Preparation of a management plan for the structure pursuant to Section  
32 67250.

33 (5) Implementation of the management plan and ongoing maintenance of the  
34 structure after the department takes title pursuant to Section 67275.

35 (6) Development of an advisory spending plan pursuant to Section 67280.

36 (7) Other activities undertaken to meet the requirements of this chapter,  
37 including the costs of reviewing applications for completeness, and reviewing,  
38 approving, and permitting the proposed project, which includes the costs of  
39 determining whether the project meets the requirements of all applicable laws and  
40 regulations and the costs of environmental assessment and review.

1 (b) The department shall consult with the council, commission, and conservancy  
2 in determining appropriate funding for activities to be carried out by those  
3 agencies.

4 (c) The funds provided pursuant to Section 67110 shall not be considered in the  
5 calculation of cost savings pursuant to Article 3 (commencing with Section 67200)  
6 or the apportionment of cost savings pursuant to Section 67265.

7 **Comment.** Section 67115 continues former Fish and Game Code Section 6612(b) without  
8 substantive change.

9 **§ 67120. Startup costs**

10 67120. (a) The first person to file an application on and after January 1, 2011, to  
11 partially remove an offshore oil structure pursuant to this title, shall pay, in  
12 addition to all costs identified under Section 67115, the startup costs incurred by  
13 the department or the commission to implement this title, including the costs to  
14 develop and adopt regulations pursuant to this title.

15 (b) This payment of startup costs shall be reimbursed by the department as  
16 provided in paragraph (3) of subdivision (c) of Section 67265.

17 **Comment.** Section 67120 continues former Fish and Game Code Section 6612(c) without  
18 substantive change.

19 **§ 67125. Environmental review**

20 67125. As soon as feasible after reaching the agreement pursuant to Section  
21 67115, the lead agency shall begin the environmental review of the proposed  
22 project as required pursuant to Section 67065.

23 **Comment.** Section 67125 continues former Fish and Game Code Section 6612(d) without  
24 substantive change.

25 **Article 2. Determination of Net Benefit**

26 **§ 67150. Council determination of net benefit**

27 67150. The council shall determine whether the partial removal of an offshore  
28 oil structure pursuant to this title provides a net benefit to the marine environment  
29 compared to the full removal of the structure.

30 **Comment.** Section 67150 continues former Fish and Game Code Section 6613(a) without  
31 substantive change.

32 **§ 67155. Establishment of criteria**

33 67155. As a necessary prerequisite to determining net environmental benefit as  
34 required in Section 67150, the council shall, upon receipt of its initial application  
35 from the department pursuant to Section 67100, establish appropriate criteria for  
36 evaluating the net environmental benefit of full removal and partial removal of  
37 offshore oil structures.

1 (a) The criteria shall include, but are not limited to, the depth of the partially  
2 removed structure in relation to its value as habitat and the location of the  
3 structure, including its proximity to other reefs, both natural and artificial.

4 (b) The criteria shall not include any consideration of the funds to be generated  
5 by the partial removal of the structure.

6 (c) In determining the criteria, the council shall consult with appropriate entities,  
7 including, but not limited to, the department, the commission, the California  
8 Coastal Commission, and the California Ocean Science Trust.

9 (d) The council shall establish the criteria in time to use them in making its  
10 initial determination of net environmental benefit pursuant to this article.

11 **Comment.** Section 67155 continues former Fish and Game Code Section 6613(b) without  
12 substantive change.

13 **§ 67160. Making the determination**

14 67160. (a) Upon certification of environmental documents pursuant to the  
15 California Environmental Quality Act, the council shall, based on the criteria  
16 developed pursuant to Section 67155 and other relevant information, determine  
17 whether partial removal of the structure would provide a net benefit to the marine  
18 environment compared to full removal of the structure.

19 (b) In making the determination, the council shall, at a minimum, take into  
20 account the following:

21 (1) The contribution of the proposed structure to protection and productivity of  
22 fish and other marine life.

23 (2) Any adverse impacts to biological resources or water quality, or any other  
24 marine environmental impacts, from the full removal of the facility that would be  
25 avoided by partial removal as proposed in the application.

26 (3) Any adverse impacts to biological resources or water quality, or any other  
27 marine environmental impacts, from partial removal of the structure as proposed  
28 in the application.

29 (4) Any benefits to the marine environment that would result from the full  
30 removal of the structure or from partial removal as proposed in the application.

31 (5) Any identified management requirements and restrictions of the partially  
32 removed structure, including, but not limited to, restrictions on fishing or other  
33 activities at the site.

34 **Comment.** Section 67160 continues former Fish and Game Code Section 6613(c) without  
35 substantive change.

36 **§ 67165. Specified benefits excluded from determination**

37 67165. Benefits resulting from the contribution of cost savings to the  
38 endowment shall not be considered in the determination of net environmental  
39 benefit.

40 **Comment.** Section 67165 continues former Fish and Game Code Section 6613(d) without  
41 substantive change.





1 67150) are maintained or enhanced. Consistent with state and federal law,  
2 management measures may include a buffer zone in which fishing or removal of  
3 marine life is restricted or prohibited.

4 (b) Provide an opportunity for public comment on the application pursuant to the  
5 California Environmental Quality Act.

6 (c) Hold a public hearing in the county nearest to the location of the offshore oil  
7 structure that is the subject of the application.

8 **Comment.** Section 67250 continues former Fish and Game Code Section 6615 without  
9 substantive change.

10 **§ 67255. Standards for granting conditional approval**

11 67255. The department may grant conditional approval of an application for  
12 partial removal of an offshore oil structure only if all of the following criteria are  
13 satisfied:

14 (a) The partial removal of the offshore oil structure and the planning,  
15 development, maintenance, and operation of the structure would be consistent with  
16 all applicable state, federal, and international laws, including, but not limited to,  
17 all of the following:

18 (1) The federal Magnuson-Stevens Fishery Conservation and Management Act  
19 (16 U.S.C. Sec. 1801 et seq.).

20 (2) The federal National Fishing Enhancement Act of 1984 (33 U.S.C. Sec. 2101  
21 et seq.).

22 (3) The federal Coastal Zone Management Act (16 U.S.C. Sec. 1451 et seq.).

23 (4) The California Coastal Management Program.

24 (5) The Marine Life Management Act (Title 3 (commencing with Section  
25 12100) of Part 4 of Division 6).

26 (6) The Marine Life Protection Act (Part 2 (commencing with Section 60400) of  
27 Division 16).

28 (7) State and federal water quality laws.

29 (8) Navigational safety laws.

30 (b) The partial removal of the offshore oil structure provides a net benefit to the  
31 marine environment compared to full removal of the structure, as determined  
32 pursuant to Article 2 (commencing with Section 67150).

33 (c) The cost savings that would result from the conversion of the offshore oil  
34 platform or production facility have been determined pursuant to Article 3  
35 (commencing with Section 67200).

36 (d) The applicant has provided sufficient funds consistent with Section 67115.

37 (e) The department and the applicant have entered into a contractual agreement  
38 whereby the applicant will provide sufficient funds for overall management of the  
39 structure by the department, including, but not limited to, ongoing management,  
40 operations, maintenance, monitoring, and enforcement as these relate to the  
41 structure.

1 (f) The department has entered into an indemnification agreement with the  
2 applicant that indemnifies the state and the department, to the extent permitted by  
3 law, against any and all liability that may result, including, but not limited to,  
4 active negligence, and including defending the state and the department against  
5 any claims against the state for any actions the state undertakes pursuant to this  
6 chapter. The agreement may be in the form of an insurance policy, cash  
7 settlement, or other mechanism as determined by the department. In adopting  
8 indemnification requirements for the agreement, the department shall ensure that  
9 the state can defend itself against any liability claims against the state for any  
10 actions the state undertakes pursuant to this chapter and pay any resulting  
11 judgments. The department shall consult with and, as necessary, use the resources  
12 of the office of the Attorney General in preparing and entering into the  
13 indemnification agreement.

14 (g) The applicant has applied for and received all required permits, leases, and  
15 approvals issued by any governmental agency, including, but not limited to, a  
16 lease issued by the commission if the proposed project involves state tidelands and  
17 submerged lands. For structures located in federal waters, all of the following  
18 requirements shall be met:

19 (1) The department and the owner or operator of the structure reach an  
20 agreement providing for the department to take title to the platform or facility as  
21 provided in Section 67275.

22 (2) The department acquires the permit issued by the United States Army Corps  
23 of Engineers.

24 (3) The partial removal of the structure is approved by the Bureau of Ocean  
25 Energy Management, Regulation and Enforcement of the United States  
26 Department of the Interior.

27 **Comment.** Section 67255 continues former Fish and Game Code Section 6616 without  
28 substantive change.

29 **§ 67260. Conditional approval**

30 67260. Upon a finding that all the requirements of Sections 67250 and 67255  
31 have been met, the department shall grant conditional approval to an application  
32 for partial removal of an offshore oil structure.

33 **Comment.** Section 67260 continues former Fish and Game Code Section 6617 without  
34 substantive change.

35 **§ 67265. Apportionment of cost savings**

36 67265. (a) The cost savings from the partial removal of an offshore oil structure,  
37 as determined pursuant to Article 3 (commencing with Section 67200), shall be  
38 apportioned and transmitted as described in this section.

39 (b) Upon receipt of conditional approval pursuant to Section 67260, the owner  
40 or operator of the structure shall apportion and directly transmit a portion of the  
41 total amount of the cost savings to the entities in subdivision (c) as follows:

1 (1) Fifty-five percent, if transmitted before January 1, 2017.

2 (2) Sixty-five percent, if transmitted on or after January 1, 2017, and before  
3 January 1, 2023.

4 (3) Eighty percent, if transmitted on or after January 1, 2023.

5 (c) Of the total amount of the cost savings to be transmitted pursuant to  
6 subdivision (b), the applicant shall directly transmit the following amounts to the  
7 following entities:

8 (1) Eighty-five percent shall be deposited into the California Endowment for  
9 Marine Preservation established pursuant to Division 37 (commencing with  
10 Section 71500) of the Public Resources Code.

11 (2) Ten percent shall be deposited into the General Fund.

12 (3) Two percent shall be deposited into the Fish and Game Preservation Fund  
13 for expenditure, upon appropriation by the Legislature, by the department to pay  
14 any costs imposed by this title that are not otherwise provided for pursuant to  
15 Section 67115 and subdivision (e) of Section 67255. Any moneys remaining in the  
16 Fish and Game Preservation Fund, after providing for these costs, shall be used,  
17 upon appropriation by the Legislature, first to reimburse the payment of the startup  
18 costs described in Section 67120, and thereafter to conserve, protect, restore, and  
19 enhance the coastal and marine resources of the state consistent with the mission  
20 of the department.

21 (4) Two percent shall be deposited into the Coastal Act Services Fund,  
22 established pursuant to Section 30620.1 of the Public Resources Code, and shall  
23 be allocated to support state agency work involving research, planning, and  
24 regulatory review associated with the application and enforcement of coastal  
25 management policies in state and federal waters pursuant to state and federal  
26 quasi-judicial authority over offshore oil and gas development.

27 (5) One percent shall be deposited with the board of supervisors of the county  
28 immediately adjacent to the location of the facility prior to its decommissioning.  
29 The amount paid to the county shall be managed pursuant to paragraph (1) of  
30 subdivision (d) of Section 6817 of the Public Resources Code.

31 **Comment.** Section 67265 continues former Fish and Game Code Section 6618 without  
32 substantive change.

33 **§ 67270. Final approval**

34 67270. Upon a determination by the department that the full amount of cost  
35 savings has been transmitted pursuant to Section 67265, the department shall grant  
36 final approval of the application for partial removal of an offshore oil structure.

37 **Comment.** Section 67270 continues former Fish and Game Code Section 6619 without  
38 substantive change.

39 **§ 67275. Requirements for state to take title**

40 67275. The department shall not take title to a decommissioned offshore oil  
41 structure in open coastal waters or take responsibility for management of the

1 structure pursuant to this chapter until decommissioning and partial removal of the  
2 structure have been completed and both of the following requirements are met:

3 (a) The partial removal of the structure has been granted final approval by the  
4 department.

5 (b) The state is indemnified, as required in subdivision (f) of Section 67255,  
6 from any liability that may result from approving the partial removal of an  
7 offshore oil structure or any liability that may result from the ownership of the  
8 structure.

9 **Comment.** Section 67275 continues former Fish and Game Code Section 6620 without  
10 substantive change.

11 **§ 67280. Advisory spending plan**

12 67280. Upon the department’s final approval of the first application for partial  
13 removal of an offshore oil structure pursuant to Section 67270, the conservancy  
14 shall create an advisory spending plan for cost savings deposited in the  
15 endowment, to provide the Board of Directors of the California Endowment for  
16 Marine Preservation with guidance on spending those funds. The conservancy  
17 shall update the spending plan no less than once every five years, except the  
18 conservancy shall also update the spending plan when each additional application  
19 for partial removal is approved. The conservancy shall submit a copy of the  
20 spending plan and all updates to the plan to the Legislature, in accordance with  
21 Section 9795 of the Government Code, and to the Board of Directors of the  
22 California Endowment for Marine Preservation.

23 **Comment.** Section 67280 continues former Fish and Game Code Section 6621 without  
24 substantive change.

25 **TITLE 3. OIL SUMPS**

26 **§ 67400. Definition of “oil sump”**

27 67400. For the purposes of this title, “oil sump” has the meaning provided in  
28 Section 3780 of the Public Resources Code.

29 **Comment.** Section 67400 continues part of the first sentence of former Fish and Game Code  
30 Section 1016(a) and (b) without substantive change.

31 **§ 67405. Hazard to wildlife**

32 67405. (a) Whenever the department determines that an oil sump is hazardous to  
33 wildlife, but does not constitute an immediate and grave danger to wildlife, the  
34 department shall forthwith notify the State Oil and Gas Supervisor of that  
35 condition in order that the State Oil and Gas Supervisor may take action pursuant  
36 to Section 3783 of the Public Resources Code to have that condition cleaned up or  
37 abated.

38 (b) The department in making that notification shall specify the hazardous  
39 conditions.



1 Pollution Cleanup and Abatement Account on January 1, 1996, shall be  
2 transferred to the Fish and Wildlife Pollution Account.

3 (c) The following subaccounts are created within the Fish and Wildlife Pollution  
4 Account:

5 (1) The Oil Pollution Administration Subaccount.

6 (2) The Oil Pollution Response and Restoration Subaccount.

7 (3) The Hazardous Materials Administration Subaccount.

8 (4) The Hazardous Materials Response and Restoration Subaccount.

9 **Comment.** Section 67500 continues former Fish and Game Code Section 13010 without  
10 substantive change.

11 **§ 67505. Deposit of specified funds**

12 67505. (a) The state portion of any recovery or settlement of money damages  
13 received pursuant to any citation or charges brought under the following sections  
14 by the people by or through any state or local public entity shall be deposited in  
15 the following subaccounts:

16 (1) Administrative and judicially imposed fines, penalties, or punitive damages  
17 resulting from either civil or criminal action or administrative civil liability for  
18 violations of the oil and petroleum product control and discharge provisions of this  
19 code, including, but not limited to, Sections 8450, 66605, and 66715, Title 6  
20 (commencing with Section 9300) of Part 1 of Division 6, and Title 1 (commencing  
21 with Section 66500) and shall be deposited in the Oil Pollution Administration  
22 Subaccount or the Oil Pollution Response and Restoration Subaccount as  
23 determined by administrative or judicial settlement, or as provided by law.

24 (2) Administrative and judicially imposed fines, penalties, or punitive damages  
25 resulting from either criminal or administrative civil liability for violations of  
26 hazardous materials and other pollution laws including, but not limited to,  
27 Sections 8450, 11500, and 66715, and Title 6 (commencing with Section 9300) of  
28 Part 1 of Division 6, shall be deposited in the Hazardous Materials Administration  
29 Subaccount or the Hazardous Materials Response and Restoration Subaccount as  
30 determined by administrative or judicial settlement or as provided by law.

31 (b) Notwithstanding Section 3600, any recovery or settlement of money  
32 received pursuant to the following sections shall be deposited in the Fish and  
33 Wildlife Pollution Account:

34 (1) Title 1 (commencing with Section 66500) of Part 3 of Division 17.

35 (2) Section 66705 or 66715.

36 (3) Chapter 4 (commencing with Section 151) of Division 1.5 of the Harbors  
37 and Navigation Code.

38 (4) Section 13442 of the Water Code.

39 (5) Proceeds or recoveries from pollution and abatement actions.

40 (c) Any recovery or settlement of money damages, including, but not limited to,  
41 civil penalties arising out of any civil action filed and maintained by the Attorney  
42 General in the enforcement of Title 1 (commencing with Section 66500) shall be

1 deposited in the Fish and Wildlife Pollution Account in the Fish and Game  
2 Preservation Fund.

3 **Comment.** Subdivision (a) of Section 67505 continues former Fish and Game Code Section  
4 13011 without substantive change.

5 Subdivision (b) continues former Fish and Game Code Section 12017(a)(2)-(6) without  
6 substantive change.

7 Subdivision (c) continues former Fish and Game Code Section 5656 without substantive  
8 change.

9  **Notes.** (1) Existing Section 13011(a) contains an erroneous cross-reference to “Chapter 2  
10 (commencing with Section 5600) of Part 1 of Division 6.” There is no Section 5600 in existing  
11 law. In proposed Section 67505(a)(1), the reference is revised to refer to the relevant pollution-  
12 related provisions of the referenced chapter (i.e., proposed “Title 1 (commencing with Section  
13 66500)”). **The Commission invites comment on whether that revision would cause any  
14 problems.**

15 (2) Existing Section 13011(b) refers to “Part 1 (commencing with Section 5500) of Division  
16 6.” That part is a miscellaneous collection of provisions, only one of which appears to be relevant  
17 to the purpose of the reference (existing Section 5523). In proposed Section 67505, the reference  
18 is narrowed to refer to the provision that would continue Section 5523 (proposed Section 11500).  
19 **The Commission invites comment on whether that revision would cause any problems.**

20 (3) Existing Section 12017(a) refers to Section 13001. In proposed Section 67505(b), that  
21 reference is narrowed to refer to the part of Section 13001(a) that appears to be relevant to the  
22 purpose of the reference. **The Commission invites comment on whether that revision would  
23 cause any problems.**

24 **§ 67510. Continuous appropriation**

25 67510. Moneys in the Fish and Wildlife Pollution Account are continuously  
26 appropriated to the department, except as provided in Section 67530.

27 **Comment.** Section 67510 continues former Fish and Game Code Section 12017(b) without  
28 substantive change.

29 **§ 67515. Expenditures**

30 67515. (a) Funds in the account shall be expended for the following purposes:

31 (1) Abatement, cleanup, and removal of pollutants from the environment.

32 (2) Response coordination, planning, and program management.

33 (3) Resource injury determination.

34 (4) Resource damage assessment.

35 (5) Economic valuation of resources.

36 (6) Restoration or rehabilitation at sites damaged by pollution.

37 (b) Notwithstanding subdivision (a), funds in the account in excess of one  
38 million dollars (\$1,000,000) as of July 1 of each year may also be expended for  
39 the preservation of California plants, wildlife, and fisheries.

40 (c) Funds in the account may be expended for cleanup and abatement if a  
41 reasonable effort has been made to have the responsible party pay cleanup and  
42 abatement costs and funds are not available for disbursement from the emergency  
43 reserve account of the Toxic Substances Control Account in the General Fund  
44 pursuant to Section 25354 of the Health and Safety Code.

1 (d) The department may use funds in the account to pay the costs of consultant  
2 contracts for resource injury determination or damage assessment during  
3 hazardous material or oil spill emergencies. These contracts are not subject to Part  
4 2 (commencing with Section 10100) of Division 2 of the Public Contract Code.

5 **Comment.** Section 67515 continues former Fish and Game Code Section 12017(c)-(f) without  
6 substantive change.

7 **§ 67520. Maximum funds on deposit**

8 67520. (a) Funds on deposit in the subaccounts shall not exceed the amounts  
9 prescribed below, adjusted in accordance with Section 2212 of the Revenue and  
10 Taxation Code to equal 1995 dollars:

11 (1) The Oil Pollution Administration Subaccount shall not exceed five million  
12 dollars (\$5,000,000).

13 (2) The Oil Pollution Response and Restoration Subaccount shall not exceed ten  
14 million dollars (\$10,000,000).

15 (3) The Hazardous Materials Administration Subaccount shall not exceed five  
16 million dollars (\$5,000,000).

17 (4) The Hazardous Material Response and Restoration Subaccount shall not  
18 exceed ten million dollars (\$10,000,000).

19 (b) All funds in the Fish and Wildlife Pollution Account in excess of the  
20 amounts listed above, on June 30 of each fiscal year, shall be used by the  
21 department in succeeding fiscal years for projects that preserve California plants,  
22 wildlife, and fisheries.

23 **Comment.** Section 67520 continues former Fish and Game Code Section 13012 without  
24 substantive change.

25 **§ 67525. Prudent reserve**

26 67525. (a) Appropriations from either the Oil Pollution Administration  
27 Subaccount or the Hazardous Materials Administration Subaccount shall not  
28 exceed one third of the maximum fund level established under Section 67520 in  
29 order to maintain a prudent reserve for future appropriations.

30 (b) If the director or his or her designee expends funds from the prudent reserve  
31 established pursuant to subdivision (a) for activities authorized under subdivision  
32 (b) of Section 67530, the director or the director's designee shall ensure that there  
33 are adequate funds remaining in those subaccounts to carry out their purposes.  
34 Expenditures from the prudent reserve shall be repaid in part, or in full, from any  
35 funds received pursuant to subdivision (a) of Section 67505 until those reserves  
36 are fully reimbursed.

37 (c) The director or his or her designee, shall recover from the spiller, responsible  
38 party, or, in the absence of those responsible parties, from a particular pollution  
39 abatement or remediation account, all expenditures paid pursuant to subdivisions  
40 (b) and (d) of Section 67530, and all costs incurred by the department arising from  
41 the administration and enforcement of applicable pollution laws. The director or

1 his or her designee may request, and a district attorney, city attorney, or other  
2 prosecuting agency, as part of a prosecution or negotiation, may allege a claim for,  
3 these costs and expenditures and shall deposit any recoveries into the fund from  
4 which they were expended.

5 (d) The director or his or her designee shall ensure that there are adequate funds  
6 in the accounts and subaccounts specified in this section to carry out their  
7 purposes.

8 **Comment.** Section 67525 continues former Fish and Game Code Section 13013 without  
9 substantive change.

10 **Note.** Existing Section 13013(c) refers to “expenditures paid from the accounts established  
11 pursuant to subdivisions (b) and (d) of Section 13230.” That reference is confusing. While  
12 Section 13230(b) and (d) do authorize expenditures, they do not establish any accounts. In  
13 proposed Section 67525, the language has been revised to eliminate any reference to the  
14 establishment of accounts. **The Commission invites comment on whether that revision would  
15 cause any problems.**

16 **§ 67530. Expenditures from specified subaccounts**

17 67530. (a) Funds deposited in the Oil Pollution Administration Subaccount  
18 created pursuant to paragraph (1) of subdivision (c) of Section 67500 shall, upon  
19 appropriation by the Legislature, only be expended by the director, his or her  
20 deputy, or designee, for the costs of administering the pollution response,  
21 abatement, and habitat restoration activities not otherwise authorized by the  
22 Lempert-Keene-Seastrand Oil Spill Prevention and Response Act.

23 (b) Notwithstanding Section 13340 of the Government Code, funds deposited in  
24 the Oil Pollution Response and Restoration Subaccount created pursuant to  
25 paragraph (2) of subdivision (c) of Section 67500 are continuously appropriated to  
26 the department for expenditure by the director, his or her deputy, or designee,  
27 without regard to fiscal years for response and restoration activity related to oil  
28 spills not otherwise authorized by the Lempert-Keene-Seastrand Oil Spill  
29 Prevention and Response Act.

30 (c) Funds deposited in the Hazardous Materials Administration Subaccount  
31 created pursuant to paragraph (3) of subdivision (c) of Section 67500 shall, upon  
32 appropriation by the Legislature, only be expended by the director, his or her  
33 deputy, or designee, for the reasonable cost of administering the hazardous  
34 materials response and restoration activities of the department.

35 (1) These activities shall include the cross training and staffing of existing  
36 department and interagency personnel necessary to achieve efficiency in the use of  
37 existing funds and resources in response to hazardous materials and restoration  
38 activities of the department.

39 (2) The department may appoint and contract with technical experts to assist in  
40 the response and remediation of toxic material discharges.

41 (d) Notwithstanding Section 13340 of the Government Code, funds deposited in  
42 the Hazardous Materials Response and Restoration Subaccount are continuously

1 appropriated to the director, his or her deputy, or designee, for expenditure without  
2 regard to fiscal years for the response and abatement of hazardous materials that  
3 are spilled or discharged on the lands and in the waters of the state, and for the  
4 protection, preservation, and restoration of fish and wildlife impacted by  
5 discharges of hazardous materials into the environment of the state. No funds  
6 appropriated from this subaccount shall be expended to establish personnel  
7 positions nor shall any personnel positions be created with contract funds from this  
8 subaccount.

9 **Comment.** Section 67530 continues former Fish and Game Code Section 13230 without  
10 substantive change.

11 **§ 67535. Cost accounting system**

12 67535. Consistent with Section 3525, the department shall maintain a cost  
13 accounting system that accounts for the costs of each activity or program engaged  
14 in pursuant to Section 67530 using funds from the subaccounts listed in that  
15 section.

16 **Comment.** Section 67535 continues former Fish and Game Code Section 13231 without  
17 substantive change.

18 **PART 4. WATER DIVERSION, OBSTRUCTION, AND ALTERATION**

19 **TITLE 1. DAMS, CONDUITS, AND SCREENS**

20 **CHAPTER 1. GENERAL PROVISIONS**

21 **Article 1. Definitions**

22 **§ 68000. Definitions**

23 68000. As used in this title:

24 (a) “Dam” includes all artificial obstructions.

25 (b) “Conduit” includes pipe, millrace, ditch, flume, siphon, tunnel, canal, and  
26 any other conduit or diversion used for the purpose of taking or receiving water  
27 from any river, creek, stream, or lake.

28 (c) “Owner” includes the United States (except that for the purpose of Sections  
29 68105, 68405, and 68650, “owner” does not include the United States as to any  
30 dam in the condition the dam existed on September 15, 1945), the State, a person,  
31 political subdivision, or district (other than a fish and game district) owning,  
32 controlling or operating a dam or pipe.

33 (d) “United States” means the United States of America, and in relation to any  
34 particular matter includes the officers, agents, employees, agencies, or  
35 instrumentalities authorized to act in relation thereto.

1 **Comment.** Section 68000 continues former Fish and Game Code Section 5900 without  
2 substantive change.

3 **Note.** Existing Section 5900 (c) provides that, in specified sections, the term “owner” does  
4 not include the United States. One of the specified sections, existing Section 5933, does not use  
5 the term “owner.” The reference to Section 5933 has not been continued in proposed Section  
6 68000. **The Commission invites comment on whether that revision would cause any**  
7 **problems.**

8 Article 2. Application of Chapter to United States

9 **§ 68050. Legislative intent**

10 68050. (a) In including the United States within the scope of this title the  
11 Legislature declares that it understands that the law and policy of the United States  
12 with respect to the development of water resources, the reclamation of land from  
13 flood and overflow, and in all other respects is to comply with state laws  
14 respecting water.

15 (b) The provisions of this title provide a procedure for the United States to  
16 comply with the provisions and policy of state law respecting its subject matter.

17 **Comment.** Section 68050 continues former Fish and Game Code Section 5902 without  
18 substantive change.

19 **§ 68055. Application to construct or enlarge dam**

20 68055. The United States shall file with the commission pursuant to this title a  
21 separate application for each dam it proposes to construct or enlarge if an owner  
22 other than the United States would be required to file an application pursuant to  
23 Division 3 of the Water Code in order to construct or enlarge the same dam. The  
24 application shall be on forms provided by the department.

25 **Comment.** Section 68055 continues former Fish and Game Code Section 5903 without  
26 substantive change.

27 **§ 68060. Application content**

28 68060. (a) The application of the United States shall give the following  
29 information:

30 (1) The name and address of the owner.

31 (2) The location, type, size, and height of the proposed dam and appurtenant  
32 works.

33 (3) The storage capacity of the reservoir.

34 (4) Such other pertinent information as the commission requires.

35 (5) As accurately as may be readily obtained, the area of the drainage basin,  
36 rainfall, and stream flow records and flood flow records and estimates.

37 (6) The purpose for which the impounded or diverted water is to be used.

38 (7) Such other appropriate information as may be necessary in a given instance.

1 (b) If the physical conditions involved and the size of the dam render the above  
2 requirements unnecessary as to drainage areas, rainfall, stream flow, and flood  
3 flow, the commission may waive the requirements.

4 **Comment.** Section 68060 continues former Fish and Game Code Section 5904 without  
5 substantive change.

6 CHAPTER 2. PROHIBITED OBSTRUCTIONS

7 Article 1. General Prohibition

8 **§ 68100. Obstruction generally**

9 68100. (a) No person shall cause or having caused, permit to exist any log jam,  
10 debris accumulation or other artificial barrier in any stream in this state, which  
11 prevents the passing of fish up and down stream or which the Commission  
12 determines to be deleterious to fish.

13 (b) The Commission determination is subject to court review.

14 (c) This section does not apply to a dam for the storage or diversion of water, a  
15 public bridge and the approaches thereto, a groin, jetty, seawall, breakwater,  
16 bulkhead, wharf, or pier, that is permitted by law, or debris from mining  
17 operations,

18 **Comment.** Section 68100 restates former Fish and Game Code Section 5948 without  
19 substantive change.

20  **Note.** Proposed Section 68100 would restate existing Section 5948 to improve its clarity,  
21 without changing its substantive effect. The existing provision reads as follows:

22 “No person shall cause or having caused, permit to exist any log jam or debris accumulation or  
23 any other artificial barrier, except a dam for the storage or diversion of water, public bridges and  
24 approaches thereto, groins, jetties, seawalls, breakwaters, bulkheads, wharves and piers permitted  
25 by law, and debris from mining operations, in any stream in this State, which will prevent the  
26 passing of fish up and down stream or which is deleterious to fish as determined by the  
27 commission, subject to review by the courts.”

28 **The Commission invites comment on whether that restatement would cause any problems.**

29 Article 2. Prohibition in Specified Districts

30 **§ 68105. Obstruction in specified districts**

31 68105. Except as otherwise provided in this code, it is unlawful to construct or  
32 maintain in any stream in Districts 2505, 2510, 2515, 2525, 2530, 2535, 2540,  
33 2545, 2550, 2555, 2560, 2565, 2595, 2600, 2605, 2660, and 2665, any device or  
34 contrivance that prevents, impedes, or tends to prevent or impede, the passing of  
35 fish up and down stream.

36 **Comment.** Section 68105 continues former Fish and Game Code Section 5901 without  
37 substantive change.

1 **Note.** Existing Section 5901 refers to District 1 7/8 and District 2 3/4. Neither of those  
2 districts exist in the current code. The references to them are omitted from proposed Section  
3 68104. **The Commission invites comment on whether that revision would cause any**  
4 **problems.**

5 **§ 68110. Civil penalty**

6 68110. (a) In addition to any penalties imposed by any other law, a person found  
7 to have violated Section 68105 shall be liable for a civil penalty of not more than  
8 eight thousand dollars (\$8,000) for each violation.

9 (b) Each day that a violation of Section 68105 occurs or continues without a  
10 good faith effort by the person to cure the violation after receiving notice from the  
11 department shall constitute a separate violation.

12 **Comment.** Section 68110 continues former Fish and Game Code Section 12025.1(a) without  
13 substantive change.

14 **§ 68115. Civil penalties are not fines or forfeitures**

15 68115. All civil penalties imposed or collected by a court for a separate violation  
16 pursuant to this article shall not be considered to be fines or forfeitures, as  
17 described in Section 3610.

18 **Comment.** Section 68115 continues the first parts of former Fish and Game Code Section  
19 12025.1(b) & (c) without substantive change.

20 **§ 68120. Apportionment of civil penalty for violation connected to cultivation of controlled**  
21 **substance**

22 68120. All civil penalties imposed or collected by a court for a separate violation  
23 pursuant to this article, in connection with the production or cultivation of a  
24 controlled substance, shall be apportioned in the manner described in Section  
25 4720.

26 **Comment.** Section 68120 continues the second part of former Fish and Game Code Section  
27 12025.1(b) without substantive change.

28 **§ 68125. Apportionment of civil penalty for violation unconnected to cultivation of**  
29 **controlled substance**

30 68125. All civil penalties imposed or collected by a court for a separate violation  
31 pursuant to this article, not in connection with the production or cultivation of a  
32 controlled substance, shall be apportioned in the following manner:

33 (a) Thirty percent shall be distributed to the county in which the violation was  
34 committed pursuant to Section 13003. The county board of supervisors shall first  
35 use any revenues from those penalties to reimburse the costs incurred by the  
36 district attorney or city attorney in investigating and prosecuting the violation.

37 (b) (1) Thirty percent shall be distributed to the investigating agency to be used  
38 to reimburse the cost of any investigation directly related to the violations  
39 described in this article.

1 (2) If the department receives reimbursement pursuant to this subdivision for  
2 activities funded pursuant to subdivision (f) of Section 4629.6 of the Public  
3 Resources Code, the reimbursement funds shall be deposited into the Timber  
4 Regulation and Forest Restoration Fund, created by Section 4629.3 of the Public  
5 Resources Code, if there is an unpaid balance for a loan authorized by subdivision  
6 (f) of Section 4629.6 of the Public Resources Code.

7 (c) Forty percent shall be deposited into the Fish and Game Preservation Fund.

8 **Comment.** Section 68125 continues the second part of former Fish and Game Code Section  
9 12025.1(c) without substantive change.

10 **§ 68130. Administrative penalty**

11 68130. (a) Civil penalties authorized pursuant to Section 68110 may be imposed  
12 administratively by the department according to the procedures described in  
13 paragraphs (1) through (4), inclusive, of subdivision (a) of Section 4725.

14 (b) The department shall adopt emergency regulations to implement this section  
15 in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing  
16 with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).  
17 The adoption of these regulations shall be deemed to be an emergency and  
18 necessary for the immediate preservation of the public peace, health and safety, or  
19 general welfare.

20 **Comment.** Section 68130 continues former Fish and Game Code Section 12025.1(d) without  
21 substantive change.

22 **§ 68135. Administrative penalties are not fines or forfeitures**

23 68135. All administrative penalties imposed or collected by the department for a  
24 separate violation pursuant to this article shall not be considered to be fines or  
25 forfeitures, as described in Section 3610.

26 **Comment.** Section 68135 continues the first parts of former Fish and Game Code Section  
27 12025.1(e) & (f) without substantive change.

28 **§ 68140. Apportionment of administrative penalty for violation connected to cultivation of**  
29 **controlled substance**

30 68140. All administrative penalties imposed or collected by the department for a  
31 separate violation pursuant to this article, in connection with the production or  
32 cultivation of a controlled substance, shall be deposited according the provisions  
33 of subdivisions (b) and (c) of Section 4725.

34 **Comment.** Section 68140 continues the second part of former Fish and Game Code Section  
35 12025.1(e) without substantive change.

36 **§ 68145. Apportionment of administrative penalty for violation unconnected to cultivation**  
37 **of controlled substance**

38 68145. (a) All administrative penalties imposed or collected by the department  
39 for a separate violation pursuant to this article, not in connection with the  
40 production or cultivation of a controlled substance, shall be deposited into the

1 Timber Regulation and Forest Restoration Fund, created by Section 4629.3 of the  
2 Public Resources Code, to repay any unpaid balance of a loan authorized by  
3 subdivision (f) of Section 4629.6 of the Public Resources Code.

4 (b) Any remaining funds from administrative penalties collected pursuant to this  
5 section shall be apportioned in the following manner:

6 (1) Fifty percent shall be deposited into the Fish and Game Preservation Fund.

7 (2) Fifty percent shall be deposited into the Timber Regulation and Forest  
8 Restoration Fund for grants authorized pursuant to subdivision (h) of Section  
9 4629.6 of the Public Resources Code.

10 **Comment.** Section 68145 continues the second part of former Fish and Game Code Section  
11 12025.1(f) without substantive change.

12 **§ 68150. Definition of “controlled substance”**

13 68150. For purposes of this article, “controlled substance” has the same meaning  
14 as defined in Section 11007 of the Health and Safety Code.

15 **Comment.** Section 68150 continues former Fish and Game Code Section 12025.1(g) without  
16 substantive change.

17 **CHAPTER 3. FISHWAYS**

18 **Article 1. General Prohibitions and Obligations**

19 **§ 68300. Damage or obstruction**

20 68300. It is unlawful to willfully destroy, injure, or obstruct any fishway.

21 **Comment.** Section 68300 continues former Fish and Game Code Section 5936 without  
22 substantive change.

23 **§ 68305. Maintenance**

24 68305. The owner of any dam upon which a fishway has been provided shall  
25 keep the fishway in repair and open and free from obstructions to the passage of  
26 fish at all times.

27 **Comment.** Section 68305 continues former Fish and Game Code Section 5935 without  
28 substantive change.

29 **§ 68310. Water flow**

30 68310. (a) The owner of any dam shall allow sufficient water at all times to pass  
31 through a fishway, or in the absence of a fishway, allow sufficient water to pass  
32 over, around or through the dam, to keep in good condition any fish that may be  
33 planted or exist below the dam.

34 (b) During the minimum flow of water in any river or stream, permission may  
35 be granted by the department to the owner of any dam to allow sufficient water to  
36 pass through a culvert, waste gate, or over or around the dam, to keep in good  
37 condition any fish that may be planted or exist below the dam, when, in the

1 judgment of the department, it is impracticable or detrimental to the owner to pass  
2 the water through the fishway.

3 **Comment.** Section 68310 continues former Fish and Game Code Section 5937 without  
4 substantive change.

5 **§ 68315. Fishing in impounded waters**

6 68315. (a) The owner of a dam shall accord to the public for the purpose of  
7 fishing, the right of access to the waters impounded by the dam during the open  
8 season for the taking of fish in the stream or river, subject to the regulations of the  
9 commission.

10 (b) Subdivision (a) does not apply to any impoundment of water by a dam that is  
11 wholly located on privately owned land that is primarily agricultural or residential  
12 in nature if the impounded waters are from a stream or river that is not naturally  
13 frequented by fish and if the dam does not prevent the free passage of fish over or  
14 around the dam. The Legislature finds and declares that this subdivision is  
15 intended to be declaratory of existing law.

16 **Comment.** Section 68315 continues former Fish and Game Code Section 5943 without  
17 substantive change.

18 **§ 68320. Liability limitation**

19 68320. The owner of a dam is not liable in damages to any person exercising the  
20 right to fish, who suffers any injury through coming in contact with, or tampering  
21 with, any of the property of the owner of the dam.

22 **Comment.** Section 68320 continues former Fish and Game Code Section 5944 without  
23 substantive change.

24 **Article 2. Requirements for Existing Dams**

25 **§ 68400. Department examination of dams**

26 68400. The department shall, from time to time, examine all dams in all rivers  
27 and streams in this State naturally frequented by fish.

28 **Comment.** Section 68400 continues former Fish and Game Code Section 5930 without  
29 substantive change.

30 **§ 68405. Required fishway**

31 68405. (a) If, in the opinion of the commission, there is not free passage for fish  
32 over or around any dam, the department shall cause plans to be furnished for a  
33 suitable fishway, and order in writing the owner of the dam to provide the dam,  
34 within a specified time, with a durable and efficient fishway, of such form and  
35 capacity and in such location as shall be determined by the department.

36 (b) The fishway shall be completed by the owner of the dam to the satisfaction  
37 of the department within the time specified.

38 **Comment.** Section 68405 continues former Fish and Game Code Section 5931 without  
39 substantive change.

1    **§ 68410. Additional structures**

2       68410. When all of the provisions of this chapter have been complied with, if in  
3 the opinion of the commission changed conditions make additional structures  
4 desirable for the free passage of fish, the department may make any additional  
5 structures and may expend any sums of money that it deems necessary for the  
6 additional construction, including the cost of insurance against any liability that  
7 the department may incur in connection with those structures.

8       **Comment.** Section 68410 continues former Fish and Game Code Section 5932 without  
9 substantive change.

10                                   Article 3. Requirements for New and Enlarged Dams

11    **§ 68500. Application to build or enlarge dam**

12       68500. Whenever an application for approval of plans and specifications for a  
13 new dam in any stream in this state, or for the enlargement of any dam in any  
14 stream in this state, is filed with the Department of Water Resources, pursuant to  
15 Part 1 (commencing with Section 6000) of Division 3 of the Water Code, a copy  
16 of the application shall be filed by the applicant with the commission.

17       **Comment.** Section 68500 continues the first sentence of former Fish and Game Code Section  
18 5933 without substantive change.

19    **§ 68505. Initial determination of necessity**

20       68505. If the commission deems that the construction of a fishway over the dam  
21 is necessary for the preservation and protection of fish, and that construction and  
22 operation of a fishway is practicable, it shall set a date for a hearing to be held  
23 within 90 days after filing of the application with the commission.

24       **Comment.** Section 68505 continues the second sentence of former Fish and Game Code  
25 Section 5933 without substantive change.

26    **§ 68510. Hearing**

27       68510. At the hearing provided pursuant to Section 68505 the applicant shall be  
28 entitled to introduce evidence to show that construction of the fishway is not  
29 necessary or is not practicable, taking into consideration the height of the dam and  
30 the amount of water available.

31       **Comment.** Section 68510 continues the third sentence of former Fish and Game Code Section  
32 5933 without substantive change.

33    **§ 68515. Deposition of witnesses in hearing**

34       68515. The commission or any party may, in any hearing, cause the deposition  
35 of witnesses to be taken in the manner prescribed by law for depositions in civil  
36 actions in the superior courts of this state under Title 4 (commencing with Section  
37 2016.010) of Part 4 of the Code of Civil Procedure.

38       **Comment.** Section 68515 continues former Fish and Game Code Section 5934 without  
39 substantive change.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

Article 5. Alternatives

**§ 68650. Hatchery in lieu of fishway**

68650. (a) Whenever in the opinion of the commission it is impracticable, because of the height of any dam, or other conditions, to construct a fishway over or around the dam, the commission may, in lieu of the fishway, order the owner of the dam completely to equip, within a specified time, on a site to be selected by the department, a hatchery, together with dwellings for help, traps for the taking of fish, and all other equipment necessary to operate a hatchery station, according to plans and specifications furnished by the department.

(b) After the hatchery has been constructed, the department shall operate it without further expense to the owner of the dam except as provided in Sections 68660 and 68665.

**Comment.** Section 68650 continues former Fish and Game Code Section 5938 without substantive change.

**§ 68655. Hatchery size and location**

68655. (a) The hatchery, traps, and other equipment necessary to operate a hatchery station shall not be of a size greater than necessary to supply the stream or river with a reasonable number of fish.

(b) The owner of the dam shall permit the department to locate the hatchery, dwellings, traps, and other equipment upon any of the land of the owner of the dam upon a site or sites to be mutually agreed upon by the department and the owner of the dam.

**Comment.** Section 68655 continues former Fish and Game Code Section 5939 without substantive change.

**§ 68660. Provision of electricity to hatchery**

68660. If the owner of the dam generates electricity at the place of the dam, the owner shall furnish sufficient light, without charge, for the use of the hatchery.

**Comment.** Section 68660 continues former Fish and Game Code Section 5940 without substantive change.

**§ 68665. Use of water to operate hatchery**

68665. The owner shall permit the use of water, without charge, to operate the hatchery.

**Comment.** Section 68665 continues former Fish and Game Code Section 5941 without substantive change.

**§ 68670. Fish planting in lieu of fishway or hatchery**

68670. The commission may, in lieu of a fishway, hatchery, dwelling, traps or other equipment necessary to operate a hatchery station, order the owner of the dam to plant, under the supervision of the department, the young of any fish that

1 naturally frequent the waters of the stream or river, at such times, in such places,  
2 and in such numbers as the commission may order.

3 **Comment.** Section 68670 continues former Fish and Game Code Section 5942 without  
4 substantive change.

5 **§ 68675. Sale of fish to be planted**

6 68675. The department may sell, at cost, to the owner of a dam, young fish  
7 ordered to be planted.

8 **Comment.** Section 68675 continues former Fish and Game Code Section 5945 without  
9 substantive change.

10 CHAPTER 4. CONDUITS AND SCREENS: DIVERSIONS OVER 250  
11 CUBIC FEET PER SECOND

12 Article 1. General provisions

13 **§ 68800. Application of title**

14 68800. (a) This chapter shall apply only to a conduit that meets one or both of  
15 the following criteria:

16 (1) The conduit is described in Section 68920.

17 (2) The conduit has a maximum flow capacity over 250 cubic feet per second of  
18 water.

19 (b) In classifying conduits it is recognized that those involving the passage of  
20 water through power devices and those of large size tend to destroy fish in a  
21 greater degree than conduits of smaller size or different type.

22 (c) If this section is for any reason held to be unconstitutional, that decision shall  
23 not affect the validity of the remainder of this chapter.

24 (d) The Legislature hereby declares that the persons owning conduits referred to  
25 in this section are subject to the provisions of this chapter.

26 **Comment.** Section 68800 restates former Fish and Game Code Section 5980 without  
27 substantive change.

28 **Note.** Existing Section 5980 provides that “this article” only applies to “conduits described in  
29 Section 5987, and conduits with a maximum flow capacity over 250 cubic feet per second of  
30 water.” The Commission has two questions about this provision:

31 (1) Section 5987 (proposed Section 68920) does not seem to describe a kind of conduit. That  
32 provision is a special cost-reimbursement rule applicable to persons involved in energy  
33 production and transmission. **What is the meaning of the reference to Section 5987?**

34 (2) It appears that the provision governs a conduit that meets *either* of the stated criteria. This  
35 can be inferred from the first sentence of existing Section 6020 (proposed Section 69000), which  
36 appears to govern conduits that are *not* governed by Section 5980 (“This article shall apply only  
37 to conduits with a maximum flow capacity of 250 cubic feet per second or less of water, other  
38 than those conduits described in Section 5987.”). Proposed Section 68800(a) has been restated to  
39 make its meaning clearer. **The Commission invites comment on whether that revision would  
40 cause any problems.**

1 Article 2. Screen Requirements

2 § 68850. General requirement

3 68850. (a) The department shall examine all conduits. If, in the opinion of the  
4 department, a screen is necessary to prevent fish from passing into a conduit, the  
5 department shall order the owner of the conduit to install a screen.

6 (b) Except as provided in Sections 68920, 68865 and 68870, one-half of the  
7 expense of constructing or installing a screen shall be paid by the owner of a  
8 conduit and one-half by the department.

9 **Comment.** Subdivision (a) of Section 68850 restates the first sentence of former Fish and  
10 Game Code Section 5981 without substantive change.

11 Subdivision (b) continues the second sentence of former Fish and Game Code Section 5981  
12 without substantive change.

13  **Note.** Proposed Section 68850(a) would restate the first sentence of existing Section 5981 to  
14 improve its clarity, without changing its substantive effect. The existing provision reads as  
15 follows:

16 “The department shall examine all conduits; and order the owner of a conduit to install, and it is  
17 the duty of such an owner to install, a screen on the conduit when, in the opinion of the  
18 department, a screen is necessary to prevent fish from passing into the conduit.”

19 The language stating the owner’s duty to comply with a department order is omitted as redundant.  
20 Existing Section 5990 (proposed Section 68860) expressly states an owner’s duty to comply with  
21 a department order to install a screen. **The Commission invites comment on whether the**  
22 **proposed restatement would cause any problems.**

23 § 68855. Content of order

24 68855. An order to install a screen shall be in writing, and shall specify the type,  
25 size, mesh, material and location of the screen, the time within which the screen  
26 shall be installed, and an estimate of the expense of installing the screen.

27 **Comment.** Section 68855 continues former Fish and Game Code Section 5982 without  
28 substantive change.

29 § 68860. Duty to install and maintain screen

30 68860. It is unlawful for the owner of a conduit to refuse, fail, or neglect to  
31 install a screen in compliance with an order from the department or to permit the  
32 screen to be removed or taken out of place, except for repairs or cleaning while  
33 water is running in the conduit.

34 **Comment.** Section 68860 continues former Fish and Game Code Section 5990 without  
35 substantive change.

36 § 68865. Acceptance

37 68865. (a) When a screen has been installed, the owner may, by written notice  
38 within 90 days after the installation, request the department to inspect the screen  
39 for the purpose of accepting it.

1 (b) It is then the duty of the department to inspect the screen, and if it has been  
2 installed in accordance with the order and plans and specifications agreed upon by  
3 the department and the owner as provided in Section 68925 or approved by the  
4 Department of Water Resources the department shall accept and approve the  
5 screen in writing.

6 (c) If, upon inspection it appears that the screen has not been constructed and  
7 installed in accordance with plans and specifications, the department shall, within  
8 60 days after the inspection, notify the owner of any deviation from the order.

9 (d) The deviation may be remedied within 90 days, and a further inspection  
10 requested.

11 **Comment.** Section 68865 continues former Fish and Game Code Section 5988 without  
12 substantive change.

13 **§ 68870. Inefficient screen**

14 68870. After acceptance, if the screen fails to function in an efficient manner, no  
15 changes in conditions affecting its operation having occurred subsequent to the  
16 acceptance of the screen:

17 (a) The owner shall not be required to install a new screen.

18 (b) The department may install another screen at the sole cost and expense of the  
19 department of a type, size, mesh, and at a location agreed upon by the department  
20 and the owner, or approved by the Department of Water Resources, as provided in  
21 Section 68925.

22 **Comment.** Section 68870 continues former Fish and Game Code Section 5989 without  
23 substantive change.

24 **§ 68875. Department election to install screen**

25 68875. (a) In lieu of ordering the owner to install a screen, the department may,  
26 at its option, elect to construct and install the screen itself, in which event the type,  
27 size, mesh, and location of the screen and the time within which it shall be  
28 installed shall be determined as provided by Section 68925.

29 (b) When the department elects to construct and install a screen, one-half of the  
30 cost of construction and installation shall be paid by the owner.

31 (c) The department may pay the entire cost of the construction and installation  
32 of a screen from the Fish and Game Preservation Fund, in which case it shall,  
33 upon completion of the screen, notify the owner of the amount of one-half of the  
34 cost, and the owner shall, within 30 days thereafter, remit that amount to the  
35 department.

36 **Comment.** Section 68875 continues former Fish and Game Code Section 5991 without  
37 substantive change.

1 Article 3. Costs

2 **§ 68900. Department contribution**

3 68900. When an order is made to install a screen, the department shall pay the  
4 owner of the conduit upon whom the order is served one-half of the estimated  
5 expense of the construction or installation of the screen.

6 **Comment.** Section 68900 continues former Fish and Game Code Section 5983 without  
7 substantive change.

8 **§ 68905. Additional contribution**

9 68905. If the expense of constructing or installing a screen exceeds the  
10 estimated expense the department shall, upon written notification by the owner of  
11 the conduit, inspect the screen, and pay to the owner one-half of the amount  
12 estimated to be necessary to complete the construction or installation of the screen.

13 **Comment.** Section 68905 continues former Fish and Game Code Section 5984 without  
14 substantive change.

15 **§ 68910. Return of surplus contribution**

16 68910. The owner of the conduit shall, within 10 days after completing the  
17 installation of the screen, return to the department any surplus money advanced by  
18 the department pursuant to this chapter.

19 **Comment.** Section 68910 continues former Fish and Game Code Section 5985 without  
20 substantive change.

21 **§ 68915. Source of funds**

22 68915. All money paid by the department to the owner of a conduit pursuant to  
23 this chapter shall be paid out of the Fish and Game Preservation Fund.

24 **Comment.** Section 68915 continues former Fish and Game Code Section 5986 without  
25 substantive change.

26 **§ 68920. Contribution exception**

27 68920. (a) The department shall not pay one-half of the expense of the  
28 construction and installation of any screen as provided in Sections 68850, 68900,  
29 and 68905 to any person engaged in producing, generating, transmitting,  
30 delivering, or furnishing electricity for light, heat or power.

31 (b) If this section is for any reason held to be unconstitutional, the decision shall  
32 not affect the validity of Section 68850, 68900 or 68905, and the Legislature  
33 hereby declares that the persons mentioned in this section shall be subject to the  
34 provisions of Sections 68850, 68900 and 68905.

35 **Comment.** Section 68920 continues former Fish and Game Code Section 5987 without  
36 substantive change.

1    **§ 68925. Screen standards**

2       68925. (a) Any screen installed under any of the provisions of this chapter shall  
3 be reasonably adequate to prevent fish from passing into the conduit and not  
4 unnecessarily impede the flow of water or prevent the owner from diverting the  
5 amount of water the owner is legally entitled to divert.

6       (b) The type, size, mesh, and location of the screen and the time within which it  
7 shall be installed shall be mutually agreed upon by the department and the owner  
8 of the conduit. In the event the department and the owner of the conduit cannot  
9 agree upon the type, size, mesh, and location of the screen and the time within  
10 which it shall be installed, those matters shall be submitted for determination to  
11 the Department of Water Resources whose decision thereon shall be final and  
12 conclusive.

13       (c) If the owner and the department fail to agree upon the type, size, mesh,  
14 location, and time of installation of the screen within 60 days from the first  
15 submission of proposed plans and specifications by the department to the owner,  
16 either the department or the owner may submit those matters, in writing to the  
17 Department of Water Resources for final and conclusive decision, and it shall,  
18 within 60 days from that reference, render its decision in writing determining  
19 those matters.

20       (d) The department shall maintain and keep the screen in repair, and shall  
21 quarterly notify the owner in writing of the cost thereof, and the owner shall  
22 within 30 days thereafter remit to the department an amount equal to one-half of  
23 the cost.

24       (e) The owner shall operate and keep free from debris any screen installed, and  
25 shall quarterly notify the department in writing of the cost thereof, and the  
26 department shall within 30 days thereafter remit to the owner an amount equal to  
27 one-half of the cost.

28       **Comment.** Section 68925 continues former Fish and Game Code Section 5992 without  
29 substantive change.

30    **§ 68930. Cost agreement**

31       68930. Before the installation of any screen under the provisions of this chapter,  
32 the department and the owner shall enter into an agreement defining the method of  
33 determining the cost of maintenance, repairs, operation, and keeping the screen  
34 free of debris, which agreement shall provide that in the event either the  
35 department or the owner objects to the cost the matter shall be referred to the  
36 Director of General Services for a final and conclusive decision.

37       **Comment.** Section 68930 continues former Fish and Game Code Section 5993 without  
38 substantive change.

1                   CHAPTER 5. CONDUITS AND SCREENS: DIVERSIONS OF 250  
2                                   CUBIC FEET PER SECOND OR LESS

3                                   Article 1. General Provisions

4    **§ 69000. Application of title**

5       69000. (a) This chapter shall apply only to conduits with a maximum flow  
6 capacity of 250 cubic feet per second or less of water, other than those conduits  
7 described in Section 68920.

8       (b) If this section is for any reason held to be unconstitutional, that decision shall  
9 not affect the validity of Chapter 4 (commencing with Section 68800) and the  
10 Legislature hereby declares that the persons owning conduits referred to in this  
11 section shall be subject to the provisions of Chapter 4 (commencing with Section  
12 68800).

13       **Comment.** Section 69000 continues former Fish and Game Code Section 6020 without  
14 substantive change.

15    ☞ **Note.** Existing Section 6020 refers to a conduit “described in Section 5987.” As explained in  
16 the Note following proposed Section 68800, Section 5987 does not describe a kind of conduit.  
17 **What is the meaning of the reference to Section 5987?**

18                                   Article 2. Screen or Bypass Requirements

19    **§ 69050. General requirement**

20       69050. (a) The department shall examine new or existing conduits, and may  
21 install, maintain, repair, and replace fish screens, bypasses, or other devices to  
22 prevent the passage of fish through a conduit, when in the opinion of the  
23 department the screen or device is practical and necessary.

24       (b) The owner of a conduit shall grant to the department the right of access to  
25 the conduit for the installation and maintenance of the screen, and shall provide  
26 the department with an easement for a site for the installation of the screen or  
27 device deemed suitable by the department.

28       (c) The owner shall supply sufficient water for a bypass to carry fish stopped by  
29 the screen or device back to the channel from which they were diverted, and an  
30 easement for the bypass channel, but the easement shall not require the acquisition  
31 or leasing of additional lands by the owner.

32       (d) No water for a bypass shall be required if the channel from which the water  
33 is diverted is dry or incapable of supporting fish life below the point of diversion.

34       **Comment.** Section 69050 continues former Fish and Game Code Section 6021 without  
35 substantive change.

1    **§ 69055. Screen standards**

2       69055. Any screen installed under this chapter shall meet both of the following  
3 requirements:

4       (a) The screen shall be reasonably adequate to prevent fish from passing into the  
5 conduit.

6       (b) The screen will not unnecessarily impede the flow of water or prevent the  
7 owner from diverting the amount of water the owner is legally entitled to divert.

8       **Comment.** Section 69055 restates former Fish and Game Code Section 6026 without  
9 substantive change.

10    **§ 69060. Sufficient water for bypass**

11       69060. Sufficient water for a bypass shall not exceed the following:

12       (a) Diversions under three cubic feet per second capacity shall not be required to  
13 bypass more than 18 gallons per minute.

14       (b) Diversions of three cubic feet per second or more, but under 10 cubic feet  
15 per second, shall not be required to bypass more than 30 gallons per minute.

16       (c) Diversions of 10 cubic feet per second or more, but under 20 cubic feet per  
17 second, shall not be required to bypass more than 40 gallons per minute.

18       (d) Diversions of 20 cubic feet per second or over shall not be required to bypass  
19 more than one-half of 1 percent of the capacity of the diversion.

20       (e) Diversions built by the Government of the United States and requiring  
21 bypasses longer than one-quarter mile shall bypass an amount of water necessary  
22 to return fish to the permanent channel satisfactorily.

23       **Comment.** Section 69060 continues former Fish and Game Code Section 6022 without  
24 substantive change.

25    **§ 69065. Written notice and agreement**

26       69065. (a) The department shall serve written notice upon each owner of its  
27 intention to install a fish screen.

28       (b) The notice shall describe the location of the screen, the access required, and  
29 the amount of water required for the bypass. The location of the screen may be  
30 described by the distance downstream from the intake or by another method.

31       (c) The notice shall be served upon the owner in duplicate.

32       (d) Once signed by the owner, the notice shall serve as an agreement to the  
33 installation of the screen or device, according to the terms set out in the notice

34       (e) The signed agreement shall require the owner to render any assistance, other  
35 than mechanical repair or replacement of parts, necessary to keep the screen or  
36 device in satisfactory operating condition. The hiring of additional labor shall not  
37 be required for that assistance.

38       **Comment.** Section 69065 restates former Fish and Game Code Section 6023 without  
39 substantive change.

40    **Note.** Proposed Section 69065 would restate existing Section 6023 to improve its clarity,  
41 without changing its substantive effect. The existing provision reads as follows:

1 “The department shall serve written notice upon each owner of its intention to install a fish  
2 screen, and shall describe therein the distance downstream from the intake or in other manner the  
3 location of the screen, the access required, and the amount of water required for the bypass. The  
4 notice shall be served upon the owner in duplicate, and in such form that the original copy upon  
5 signature by the owner shall serve as an agreement to the installation of the screen or device  
6 under the terms therein, and shall require the owner to render such assistance, other than  
7 mechanical repair or replacement of parts, necessary to keep the screen or device in satisfactory  
8 operating condition. The hiring of additional labor shall not be required for such assistance.”

9 **The Commission invites comment on whether that restatement would cause any problems.**

10 **§ 69070. Disagreement**

11 69070. (a) If the owner fails to sign and return the agreement granting the  
12 department the necessary rights for the installation of the screen or device within  
13 60 days after its service on the owner, the department may install the screen as  
14 though the agreement had been signed unless a decision of the Department of  
15 Water Resources is requested.

16 (b) In the event the department and the owner of the conduit cannot agree upon  
17 the type, size, mesh, or location of the screen or device, the amount of water  
18 required for a bypass, or the time within which the screen or device shall be  
19 installed, the matter shall be submitted for determination to the Department of  
20 Water Resources, whose decision on those matters shall be final and conclusive.

21 (c) The Department of Water Resources shall render its decision within 60 days  
22 after either the department or the owner has submitted the matter in writing and  
23 requested a decision.

24 **Comment.** Section 69070 continues former Fish and Game Code Section 6024 without  
25 substantive change.

26 **§ 69075. Duty to maintain screen or bypass**

27 69075. It is unlawful for the owner of a conduit to do either of the following:

28 (a) Cause or permit a screen to be removed or taken out of place, except for  
29 repairs or cleaning, while water is running in the conduit.

30 (b) Operate the conduit with the bypass closed when the screen is operating as  
31 provided in this chapter.

32 **Comment.** Section 69075 continues former Fish and Game Code Section 6025 without  
33 substantive change.

34 **§ 69080. Temporary removal or closure**

35 69080. This chapter does not prevent the department from removing or  
36 permitting an owner to remove a screen or close a bypass during any part of the  
37 year when the department finds that the action will not endanger fish life.

38 **Comment.** Section 69080 continues former Fish and Game Code Section 6027 without  
39 substantive change.

1 § 69085. Source of funds

2 69085. All money paid by the department to the owner of a conduit pursuant to  
3 this chapter shall be paid out of the Fish and Game Preservation Fund.

4 **Comment.** Section 69085 continues former Fish and Game Code Section 6028 without  
5 substantive change.

6 CHAPTER 6. SPECIFIC AREAS

7 Article 1. Isabella Dam

8 § 69200. Isabella Dam

9 69200. (a) The director shall use the department's resources, to the fullest extent  
10 feasible, to coordinate with the federal government to promote the preservation of  
11 species, including species listed as endangered species or threatened species under  
12 the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) and the  
13 California Endangered Species Act, Part 1 (commencing with Section 62000) of  
14 Division 17, and their habitats within the locale of Isabella Dam and Reservoir in  
15 Kern County in order to facilitate the continued operation of those facilities for  
16 flood control and water conservation storage as authorized by Congress and as  
17 provided in an agreement, dated October 23, 1964, among the United States and  
18 various local public agencies.

19 (b) Nothing in this section is intended to amend, modify, or alter in any manner  
20 the intent of the California Endangered Species Act.

21 **Comment.** Section 69200 continues former Fish and Game Code Section 1018 without  
22 substantive change.

23 Article 2. Klamath River Fish and Wildlife District (Division 2670)

24 § 69250. Prohibition

25 69250. (a) Every person, firm, corporation, or company that constructs or  
26 maintains any dam or other artificial obstruction in any of the waters of Fish and  
27 Wildlife District 2670 is guilty of a misdemeanor.

28 (b) The penalty for a violation of this section is a fine of not less than one  
29 thousand dollars (\$1,000), imprisonment in county jail for not less than 100 days,  
30 or both that fine and imprisonment.

31 (c) Any dam or other artificial obstruction constructed, placed, or maintained in  
32 any of the waters of Fish and Wildlife District 2670 is a public nuisance.

33 **Comment.** Section 69250 restates the fourth paragraph of former Fish and Game Code Section  
34 11036 without substantive change.

35  **Note.** Proposed Section 69250 would restate the fourth paragraph of existing Section 11036  
36 to improve its expression, without changing its substantive effect. The existing provision reads as  
37 follows:

1 “Every person, firm, corporation or company who constructs or maintains any dam or other  
2 artificial obstruction in any of the waters of said Klamath River Fish and Game District is guilty  
3 of a misdemeanor and upon conviction must be fined not less than one thousand dollars (\$1,000)  
4 or be imprisoned in the county jail of the county in which the conviction shall be had, not less  
5 than 100 days, or by both such fine and imprisonment, and any artificial obstruction constructed,  
6 placed or maintained in said district is hereby declared to be a public nuisance.”

7 **The Commission invites comment on whether that restatement would cause any problems.**

8 TITLE 2. DIVERSION OF WATER FROM  
9 STREAMS

10 CHAPTER 1. DIVERSION DELETERIOUS TO SALMON OR  
11 STEELHEAD

12 **§ 69500. Diversion deleterious to salmon or steelhead**

13 69500. (a) Notwithstanding any provision of Chapter 4 (commencing with  
14 Section 68800) of, and Chapter 5 (commencing with Section 69000) of Title 1, on  
15 or after January 1, 1972, any new diversion of water from any stream having  
16 populations of salmon and steelhead that is determined by the department to be  
17 deleterious to salmon and steelhead shall be screened by the owner.

18 (b) The construction, operation, or maintenance costs of any screen required  
19 pursuant to this chapter shall be borne by the owner of the diversion.

20 **Comment.** Section 69500 continues former Fish and Game Code Section 6100(a) without  
21 substantive change.

22 **§ 69505. Notice of determination**

23 69505. (a) If the department has determined that a diversion is deleterious to  
24 salmon and steelhead pursuant to Section 69500, it shall provide written notice of  
25 its determination to the owner.

26 (b) The department shall notify the owner that it shall make onsite investigation  
27 and shall make any other investigation before it shall propose any measures  
28 necessary to protect fishlife.

29 (c) Within 30 days of providing notice under this section, or within a time  
30 determined by mutual written agreement, the department shall submit to the owner  
31 its proposals as to measures necessary to protect the salmon and steelhead.

32 **Comment.** Section 69505 restates former Fish and Game Code Section 6100(b) without  
33 substantive change.

34  **Note.** Proposed Section 69505 would restate existing Section 6100(b) to improve its clarity.  
35 The restatement would also make explicit a point that is only implicit in existing law: the  
36 department must provide written notice to a property owner before taking action under Section  
37 6100. The existing provision reads as follows:

1 “The department within 30 days of providing written notice to the owner that the department has  
2 determined that the diversion is deleterious to salmon and steelhead pursuant to subdivision (a),  
3 or within the time determined by mutual written agreement, shall submit to the owner its  
4 proposals as to measures necessary to protect the salmon and steelhead. The department shall  
5 notify the owner that it shall make onsite investigation and shall make any other investigation  
6 before it shall propose any measures necessary to protect fishlife.”

7 **The Commission invites comment on whether that restatement would cause any problems.**

8 **§ 69510. Provision of information to owner**

9 69510. The department, or any agency of the state, shall provide the owner of  
10 the diversion any available information that is required by the owner in order to  
11 comply with the provisions of this chapter.

12 **Comment.** Section 69510 continues former Fish and Game Code Section 6100(c) without  
13 substantive change.

14 **§ 69515. Department approval requirement**

15 69515. The diversion shall not commence until the department has determined  
16 that measures necessary to protect fishlife have been incorporated into the plans  
17 and construction of the diversion.

18 **Comment.** Section 69515 continues former Fish and Game Code Section 6100(d) without  
19 substantive change.

20 **CHAPTER 2. ENFORCEMENT OF WATER CODE PROVISIONS**

21 **§ 69550. Violations deleterious to fish and wildlife**

22 69550. (a) The director or his or her designee may issue a complaint to any  
23 person or entity in accordance with Section 1055 of the Water Code alleging a  
24 violation for which liability may be imposed under Section 1052 or 1847 of the  
25 Water Code that harms fish and wildlife resources.

26 (b) The complaint is subject to the substantive and procedural requirements set  
27 forth in Section 1055 of the Water Code, and the department shall be designated a  
28 party to any proceeding before the State Water Resources Control Board regarding  
29 a complaint filed pursuant to this section.

30 **Comment.** Section 69550 continues former Fish and Game Code Section 12025.2 without  
31 substantive change.

1 TITLE 3. FISH AND WILDLIFE PROTECTION  
2 AND CONSERVATION

3 CHAPTER 1. GENERAL PROVISIONS

4 § 69700. Findings and declarations

5 69700. The Legislature finds and declares that the protection and conservation  
6 of the fish and wildlife resources of this state are of utmost public interest. Fish  
7 and wildlife are the property of the people and provide a major contribution to the  
8 economy of the state, as well as providing a significant part of the people’s food  
9 supply; therefore their conservation is a proper responsibility of the state. This title  
10 is enacted to provide conservation for these resources.

11 **Comment.** Section 69700 continues former Fish and Game Code Section 1600 without  
12 substantive change.

13 § 69705. Definitions

14 69705. The following definitions apply to this title:

15 (a) “Agreement” means a lake or streambed alteration agreement.

16 (b) “Day” means calendar day.

17 (c) “Emergency” has the same definition as in Section 21060.3 of the Public  
18 Resources Code.

19 (d) “Entity” means any person, state or local governmental agency, or public  
20 utility that is subject to this title.

21 **Comment.** Section 69705 continues former Fish and Game Code Section 1601 without  
22 substantive change.

23 § 69710. Violation of chapter

24 69710. It is unlawful for any entity to violate this title.

25 **Comment.** Section 69710 continues former Fish and Game Code Section 1602(e) without  
26 substantive change.

27 § 69715. Extension of time

28 69715. Any time period prescribed in this title may be extended by mutual  
29 agreement.

30 **Comment.** Section 69715 continues former Fish and Game Code Section 1607 without  
31 substantive change.

32 § 69720. Agreements governed by former law

33 69720. (a) Any agreement or any memorandum of understanding executed by  
34 the department pursuant to this title prior to January 1, 2004, shall be subject to,  
35 and shall be governed by, the provisions of this title that were in existence prior to  
36 that date.

1 (b) This section does not apply to subdivision (b) of Section 70155, requiring an  
2 entity to provide a copy or other satisfactory evidence of an agreement attained  
3 prior to January 1, 1977, upon the request of the department.

4 **Comment.** Section 69720 continues former Fish and Game Code Section 1616 without  
5 substantive change.

6 CHAPTER 2. PROHIBITION AND AGREEMENTS

7 Article 1. General Prohibition

8 **§ 69750. General prohibition and exception**

9 69750. An entity shall not substantially divert or obstruct the natural flow of, or  
10 substantially change or use any material from the bed, channel, or bank of, any  
11 river, stream, or lake, or deposit or dispose of debris, waste, or other material  
12 containing crumbled, flaked, or ground pavement where it may pass into any river,  
13 stream, or lake, unless all of the following occur:

14 (a) The department receives written notification regarding the activity in the  
15 manner prescribed by the department. The notification shall include, but is not  
16 limited to, all of the following:

17 (1) A detailed description of the project's location and a map.

18 (2) The name, if any, of the river, stream, or lake affected.

19 (3) A detailed project description, including, but not limited to, construction  
20 plans and drawings, if applicable.

21 (4) A copy of any document prepared pursuant to Division 13 (commencing  
22 with Section 21000) of the Public Resources Code.

23 (5) A copy of any other applicable local, state, or federal permit or agreement  
24 already issued.

25 (6) Any other information required by the department.

26 (b) The department determines the notification is complete in accordance with  
27 Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the  
28 Government Code, irrespective of whether the activity constitutes a development  
29 project for the purposes of that chapter.

30 (c) The entity pays the applicable fees, pursuant to Section 69780.

31 (d) One of the following occurs:

32 (1) (A) The department informs the entity, in writing, that the activity will not  
33 substantially adversely affect an existing fish or wildlife resource, and that the  
34 entity may commence the activity without an agreement, if the entity conducts the  
35 activity as described in the notification, including any measures in the notification  
36 that are intended to protect fish and wildlife resources.

37 (B) Each region of the department shall log the notifications of activities where  
38 no agreement is required. The log shall list the date the notification was received  
39 by the department, a brief description of the proposed activity, and the location of

1 the activity. Each item shall remain on the log for one year. Upon written request  
2 by any person, a regional office shall send the log to that person monthly for one  
3 year. A request made pursuant to this clause may be renewed annually.

4 (2) The department determines that the activity may substantially adversely  
5 affect an existing fish or wildlife resource and issues a final agreement to the  
6 entity that includes reasonable measures necessary to protect the resource, and the  
7 entity conducts the activity in accordance with the agreement.

8 (3) A panel of arbitrators issues a final agreement to the entity in accordance  
9 with Article 4 (commencing with Section 70050), and the entity conducts the  
10 activity in accordance with the agreement.

11 (4) The department does not issue a draft agreement to the entity within 60 days  
12 from the date notification is complete, and the entity conducts the activity as  
13 described in the notification, including any measures in the notification that are  
14 intended to protect fish and wildlife resources.

15 **Comment.** Section 69750 continues former Fish and Game Code Section 1602(a) without  
16 substantive change.

## 17 Article 2. Agreement Process

### 18 § 69775. Information provided to entity submitting notification

19 69775. The department shall provide any entity that submits a notification  
20 pursuant to Section 69750 with all of the following information:

21 (a) The time period for review of the notification.

22 (b) An explanation of the entity’s right to object to any measures proposed by  
23 the department.

24 (c) The time period within which objections may be made in writing to the  
25 department.

26 (d) The time period within which the department is required to respond, in  
27 writing, to the entity’s objections.

28 (e) An explanation of the right of the entity to arbitrate any measures in a draft  
29 agreement.

30 (f) The procedures and statutory timelines for arbitration, including, but not  
31 limited to, information about the payment requirements for arbitrator fees.

32 (g) The current schedule of fees to obtain an agreement.

33 **Comment.** Section 69775 continues former Fish and Game Code Section 1608 without  
34 substantive change.

35 **Note.** Existing Section 1608 refers to the submission of “notification pursuant to Section  
36 1602.” Proposed Section 69775 narrows that reference to refer only to existing Section 1608(a)  
37 (proposed Section 69750), the part of Section 1608 that authorizes the submission of notice. **The**  
38 **Commission invites Comment on whether that revision would cause any problems.**

1    **§ 69780. Fees**

2       69780. (a) The department may establish a graduated schedule of fees to be  
3 charged to any entity subject to this title.

4       (b) The fees charged shall be established in an amount necessary to pay the total  
5 costs incurred by the department in administering and enforcing this title,  
6 including, but not limited to, preparing and submitting agreements and conducting  
7 inspections.

8       (c) (1) The fee schedule established pursuant to subdivision (a) shall not include  
9 a fee that exceeds five thousand dollars (\$5,000) for any single project.

10       (2) The fee limitation described in paragraph (1) does not apply to any project  
11 included in any agreement issued pursuant to Section 69875.

12       (d) The department shall annually adjust the fees pursuant to Section 3755.

13       (e) Fees received pursuant to this section shall be deposited in the Fish and  
14 Game Preservation Fund.

15       **Comment.** Section 69780 continues former Fish and Game Code Section 1609 without  
16 substantive change.

17    **§ 69785. Fee payment prior to processing notification**

18       69785. Notwithstanding Section 69750, the department is not required to  
19 determine whether a notification is complete or otherwise process the notification  
20 until the department has received the applicable fees.

21       **Comment.** Section 69785 continues former Fish and Game Code Section 1602(c) without  
22 substantive change.

23    **§ 69790. Suspension of process**

24       69790. (a) If, after receiving a notification, but before the department executes a  
25 final agreement, the department informs the entity, in writing, that the activity  
26 described in the notification, or any activity or conduct by the entity directly  
27 related thereto, violates any provision of this code or the regulations that  
28 implement the code, the department may suspend processing the notification, and  
29 paragraph (4) of subdivision (d) of Section 69750 and the timelines specified in  
30 Sections 69795, 69805, and 69810 do not apply.

31       (b) This section ceases to apply if any of the following occurs:

32       (1) The department determines that the violation has been remedied.

33       (2) Legal action to prosecute the violation is not filed within the applicable  
34 statute of limitations.

35       (3) Legal action to prosecute the violation has been terminated.

36       **Comment.** Section 69790 continues former Fish and Game Code Section 1613 without  
37 substantive change.

1    **§ 69795. Draft agreement**

2       69795. (a) After the notification is complete, the department shall determine  
3 whether the activity may substantially adversely affect an existing fish and  
4 wildlife resource.

5       (b) If the department determines that the activity may have that effect, the  
6 department shall provide a draft agreement to the entity within 60 days after the  
7 notification is complete.

8       (c) The draft agreement shall describe the fish and wildlife resources that the  
9 department has determined the activity may substantially adversely affect and  
10 include measures to protect those resources.

11       (d) The department’s description of the affected resources shall be specific and  
12 detailed, and the department shall make available, upon request, the information  
13 upon which its determination of substantial adverse effect is based.

14       **Comment.** Section 69795 continues the first four sentences of former Fish and Game Code  
15 Section 1603(a) without substantive change.

16    **§ 69800. Prohibited conditions**

17       69800. The department shall not condition the issuance of an agreement on the  
18 receipt of another local, state, or federal permit.

19       **Comment.** Section 69800 continues former Fish and Game Code Section 1606 without  
20 substantive change.

21    **§ 69805. Response to draft agreement**

22       69805. (a) Within 30 days of the date of receipt of the draft agreement, the entity  
23 shall notify the department whether the measures to protect fish and wildlife  
24 resources in that draft agreement are acceptable.

25       (b) If the department’s measures are not acceptable, the entity shall so notify the  
26 department in writing and specify the measures that are not acceptable.

27       (c) Upon written request, the department shall meet with the entity within 14  
28 days of the date the department receives the request for the purpose of resolving  
29 any disagreement regarding those measures.

30       **Comment.** Section 69805 continues the fifth through seventh sentences of former Fish and  
31 Game Code Section 1603(a) without substantive change.

32    **§ 69810. Failure to respond to draft agreement**

33       69810. If the entity fails to respond, in writing, within 90 days of receiving the  
34 draft agreement, the department may withdraw that agreement, and require the  
35 entity to resubmit a notification to the department before commencing the activity.

36       **Comment.** Section 69810 continues the eighth sentence of former Fish and Game Code  
37 Section 1603(a) without substantive change.

38    **§ 69815. Work required by court order, administrative order, or notice**

39       69815. If the entity is required to perform work subject to this title pursuant to a  
40 court or administrative order or notice, the entity shall include the measures

1 proposed by the department to protect fish and wildlife resources in the agreement.  
2 Those measures are not subject to arbitration.

3 **Comment.** Section 69815 continues former Fish and Game Code Section 1614 without  
4 substantive change.

### 5 Article 3. Duration and Extension

#### 6 § 69850. Default maximum term

7 69850. (a) Except as otherwise provided in this article, the term of an agreement  
8 shall not exceed five years.

9 (b) Notwithstanding subdivision (a), after the agreement expires, the entity shall  
10 remain responsible for implementing any mitigation or other measures specified in  
11 the agreement to protect fish and wildlife resources.

12 **Comment.** Section 69850 continues former Fish and Game Code Section 1605(a) without  
13 substantive change.

#### 14 § 69855. Extension of agreement

15 69855. (a) Any entity may request one extension of a previously-approved  
16 agreement, if the entity requests the extension prior to the expiration of its original  
17 term.

18 (b) The department shall grant the extension unless it determines that the  
19 agreement requires modification because the measures contained in the agreement  
20 no longer protect the fish and wildlife resources that the activity may substantially  
21 adversely affect. In the event the department makes that determination, the  
22 department shall propose measures intended to protect those resources.

23 (c) If the entity disagrees with the department's determination that the  
24 agreement requires modification to protect fish and wildlife resources or with the  
25 measures proposed by the department, the disagreement shall be resolved pursuant  
26 to the procedures described in Article 4 (commencing with Section 70050).

27 **Comment.** Section 69855 continues former Fish and Game Code Section 1605(b)-(c) without  
28 substantive change.

#### 29 § 69860. Maximum extension

30 69860. The department may not extend an agreement for more than five years.

31 **Comment.** Section 69860 continues former Fish and Game Code Section 1605(d) without  
32 substantive change.

#### 33 § 69865. Continuation pending resolution of extension request

34 69865. (a) An original agreement shall remain in effect until the department  
35 grants the extension request, or new measures are imposed to protect fish and  
36 wildlife resources by agreement or through the arbitration process.

37 (b) Notwithstanding subdivision (a), an original agreement may not remain in  
38 effect for more than one year after its expiration date.

1       **Comment.** Section 69865 continues former Fish and Game Code Section 1605(e) without  
2 substantive change.

3       **§ 69870. Failure to submit timely extension request**

4       69870. If the entity fails to submit a request to extend an agreement prior to its  
5 expiration, the entity shall submit a new notification before commencing or  
6 continuing the activity covered by the agreement.

7       **Comment.** Section 69870 continues former Fish and Game Code Section 1605(f) without  
8 substantive change.

9       **§ 69875. Long-term agreements**

10       69875. (a) Notwithstanding subdivision (a) of Section 69850, the department  
11 may issue an agreement, that otherwise meets the requirements of this title, for a  
12 term longer than five years if the following conditions are satisfied:

13       (1) The information the entity provides to the department in its notification  
14 meets the requirements of subdivision (a) of Section 69750.

15       (2) The entity agrees to provide a status report to the department every four  
16 years. The status report shall be delivered to the department no later than 90 days  
17 prior to the end of each four-year period, and shall include all of the following  
18 information:

19       (A) A copy of the original agreement.

20       (B) The status of the activity covered by the agreement.

21       (C) An evaluation of the success or failure of the measures in the agreement to  
22 protect the fish and wildlife resources that the activity may substantially adversely  
23 affect.

24       (D) A discussion of any factors that could increase the predicted adverse impacts  
25 on fish and wildlife resources, and a description of the resources that may be  
26 adversely affected.

27       (b) The department shall review the four-year status report, and conduct an  
28 onsite inspection to confirm that the entity is in compliance with the agreement  
29 and that the measures in the agreement continue to protect the fish and wildlife  
30 resources.

31       (c) If the department determines that the measures in the agreement no longer  
32 protect the fish and wildlife resources that are being substantially adversely  
33 affected by the activity, the department, in consultation with the entity, and within  
34 45 days of receipt of the report, shall impose one or more new measures to protect  
35 the fish and wildlife resources affected by the activity.

36       (d) If requested to do so by the entity, the department shall make available the  
37 information upon which it determined the agreement no longer protects the  
38 affected fish and wildlife resources.

39       (e) If the entity disagrees with one or more of the new measures, within seven  
40 days of receiving the new measures, it shall notify the department, in writing, of  
41 the disagreement.

1 (f) The entity and the department shall consult regarding the disagreement. The  
2 consultation shall be completed within seven days after the department receives  
3 the entity’s notice of disagreement.

4 (g) If the department and entity fail to reach agreement, the entity may request,  
5 in writing, the appointment of a panel of arbitrators to resolve the disagreement.  
6 The panel of arbitrators shall be appointed within 14 days of the completed  
7 consultation. The panel of arbitrators shall issue a decision within 14 days of the  
8 date it is established. All other provisions of Article 4 (commencing with Section  
9 70050) regarding the panel shall apply to any arbitration panel established in  
10 accordance with this section.

11 (h) If the entity fails to provide timely status reports as required by this section,  
12 the department may suspend or revoke the agreement.

13 (i) The agreement shall authorize department employees to conduct onsite  
14 inspections relevant to the agreement, upon reasonable notice. Nothing in this  
15 article limits the authority of department employees to inspect private or public  
16 sites.

17 (j) Except as provided in subdivisions (b) through (h), inclusive, paragraph (4)  
18 of subdivision (d) of Section 69750 and the time periods to process agreements  
19 specified in this title do not apply to agreements issued pursuant to this article.

20 **Comment.** Section 69875 continues former Fish and Game Code Section 1605(g) without  
21 substantive change.

22 **§ 69880. Long-term agreement log**

23 69880. (a) Each region of the department shall log the notifications of activities  
24 for which a long-term agreement is being considered pursuant to Section 69875.

25 (b) The log shall list the date the notification was received by the department, a  
26 brief description of the proposed activity, and the location of the activity.

27 (c) Each item shall remain on the log for one year.

28 (d) Upon written request by any person, a regional office shall send the log to  
29 that person monthly for one year. A request made pursuant to this section may be  
30 renewed annually.

31 **Comment.** Section 69880 continues former Fish and Game Code Section 1605(h) without  
32 substantive change.

33  **Note.** Existing Section 1605(h) erroneously refers to “this paragraph.” That error is corrected  
34 in proposed Section 69880(d) (by referring to “this section”). **The Commission invites comment**  
35 **on whether that revision would cause any problems.**

36 **§ 69885. Suspension or revocation of agreement**

37 69885. (a) The department may suspend or revoke an agreement at any time if it  
38 determines that an entity is not in compliance with the terms of the agreement or  
39 fails to provide timely status reports as required by Section 69875.

40 (b) The department shall adopt regulations establishing the procedure for  
41 suspension or revocation of an agreement. The procedure shall require the

1 department to provide to the entity a written notice that explains the basis for a  
2 suspension or revocation, and to provide the entity with an opportunity to correct  
3 any deficiency before the department suspends or revokes the agreement.

4 **Comment.** Section 69885 continues former Fish and Game Code Section 1612 without  
5 substantive change.

## 6 Article 4. Arbitration Panel

### 7 § 70050. Appointment of panel

8 70050. (a) If mutual agreement is not reached at any meeting held pursuant to  
9 Section 69805, the entity may request, in writing, the appointment of a panel of  
10 arbitrators to resolve the disagreement.

11 (b) A panel of arbitrators shall be appointed within 14 days of receipt of the  
12 written request.

13 **Comment.** Section 70050 continues the first and second sentences of former Fish and Game  
14 Code Section 1603(b) without substantive change.

### 15 § 70055. Composition of panel

16 70055. (a) The panel of arbitrators shall be comprised of three persons, as  
17 follows: one representative selected by the department; one representative selected  
18 by the affected entity; and a third person mutually agreed upon by the department  
19 and the entity, who shall serve as the panel chair.

20 (b) If the department and the entity cannot agree on the third person within that  
21 14-day period, the third person shall be appointed in the manner provided by  
22 Section 1281.6 of the Code of Civil Procedure.

23 (c) The third person shall have scientific expertise relevant to the fish and  
24 wildlife resources that may be substantially adversely affected by the activity  
25 proposed by the entity and to the measures proposed by the department to protect  
26 those resources.

27 **Comment.** Section 70055 continues the third through fifth sentences of former Fish and Game  
28 Code Section 1603(b) without substantive change.

### 29 § 70060. Authority of panel

30 70060. The authority of the panel of arbitrators is limited to resolving  
31 disagreements regarding the measures specified in Sections 69795, 69805, 69855,  
32 and 69875, and, in the case of an extension, whether or not the agreement needs to  
33 be modified to protect fish and wildlife resources.

34 **Comment.** Section 70060 continues the sixth sentence of former Fish and Game Code Section  
35 1603(b) without substantive change.

### 36 § 70065. Decision

37 70065. (a) Any decision by the panel of arbitrators shall be issued within 14  
38 days from the date the panel was established.

1 (b) The decision shall be binding on the department and the affected entity.

2 (c) The decision shall be based on the best scientific information reasonably  
3 available at the time of the arbitration

4 (d) Except for a decision to extend an agreement without modification, the  
5 decision shall be made in the form of a final agreement. The final agreement  
6 issued by the panel shall also include, without modification, all measures that were  
7 not subject to arbitration.

8 **Comment.** Section 70065 restates the seventh and eighth sentences of former Fish and Game  
9 Code Section 1603(b) without substantive change.

10 **§ 70070. Expenses**

11 70070. Each party shall pay the expenses of their selected representative and pay  
12 one-half the expenses of the third person.

13 **Comment.** Section 70070 continues the ninth sentence of former Fish and Game Code Section  
14 1603(b) without substantive change.

15 **§ 70075. Court review**

16 70075. Any party affected by a decision made by an arbitration panel pursuant  
17 to this title may petition a court of competent jurisdiction for confirmation,  
18 correction, or vacation of the decision in accordance with Chapter 4 (commencing  
19 with Section 1285) of Title 9 of Part 3 of the Code of Civil Procedure.

20 **Comment.** Section 70075 continues former Fish and Game Code Section 1604 without  
21 substantive change.

22 **Article 5. Exceptions and Special Rules for Specific Activities**

23 **§ 70150. Emergency exception**

24 70150. (a) Except as provided in subdivision (b), this title does not apply to any  
25 of the following:

26 (1) Immediate emergency work necessary to protect life or property.

27 (2) Immediate emergency repairs to public service facilities necessary to  
28 maintain service as a result of a disaster in an area in which a state of emergency  
29 has been proclaimed by the Governor pursuant to Chapter 7 (commencing with  
30 Section 8550) of Division 1 of Title 2 of the Government Code.

31 (3) Emergency projects undertaken, carried out, or approved by a state or local  
32 governmental agency to maintain, repair, or restore an existing highway, as  
33 defined in Section 360 of the Vehicle Code, within the existing right-of-way of the  
34 highway, that has been damaged as a result of fire, flood, storm, earthquake, land  
35 subsidence, gradual earth movement, or landslide, within one year of the damage.  
36 Work needed in the vicinity above and below a highway may be conducted  
37 outside of the existing right-of-way if it is needed to stop ongoing or recurring  
38 mudslides, landslides, or erosion that pose an immediate threat to the highway, or  
39 to restore those roadways damaged by mudslides, landslides, or erosion to their

1 predamage condition and functionality. This paragraph does not exempt from this  
2 title any project undertaken, carried out, or approved by a state or local  
3 governmental agency to expand or widen a highway damaged by fire, flood,  
4 storm, earthquake, land subsidence, gradual earth movement, or landslide. The  
5 exception provided in this paragraph does not apply to a highway designated as an  
6 official state scenic highway pursuant to Section 262 of the Streets and Highways  
7 Code.

8 (b) The entity performing the emergency work described in subdivision (a) shall  
9 notify the department of the work, in writing, within 14 days of beginning the  
10 work. Any work described in the emergency notification that does not meet the  
11 criteria for the emergency work described in subdivision (a) is a violation of this  
12 title if the entity did not first notify the department in accordance with Section  
13 69750 or 70160.

14 **Comment.** Section 70150 continues former Fish and Game Code Section 1610 without  
15 substantive change.

16 **§ 70155. Water supply, drainage, flood control, water treatment**

17 70155. (a) If an activity involves the routine maintenance and operation of water  
18 supply, drainage, flood control, or waste treatment and disposal facilities, notice to  
19 and agreement with the department shall not be required after the initial  
20 notification and agreement, unless the department determines either of the  
21 following:

22 (1) The work described in the agreement has substantially changed.

23 (2) Conditions affecting fish and wildlife resources have substantially changed,  
24 and those resources are adversely affected by the activity conducted under the  
25 agreement.

26 (b) This section applies only if notice to, and agreement with, the department  
27 was attained prior to January 1, 1977, and the department has been provided a  
28 copy of the agreement or other proof of the existence of the agreement that  
29 satisfies the department, if requested.

30 **Comment.** Section 70155 continues former Fish and Game Code Section 1602(b) without  
31 substantive change.

32 **§ 70160. Timber harvest plan as notification**

33 70160. (a) An entity that submits a timber harvesting plan in accordance with  
34 Section 4581 of the Public Resources Code or directly to the department is  
35 deemed to have given the notification required by Section 69750, as long as the  
36 following information is included in the plan:

37 (1) The volume, type, and equipment to be used in removing or displacing any  
38 one or combination of soil, sand, gravel, or boulders.

39 (2) The volume of water, intended use, and equipment to be used in any water  
40 diversion or impoundment, if applicable.

41 (3) The equipment to be used in road or bridge construction.

1 (4) The type and density of vegetation to be affected and an estimate of the area  
2 involved.

3 (5) A diagram or sketch of the location of the operation that clearly indicates the  
4 stream or other water and access from a named public road. Locked gates shall be  
5 indicated and the compass direction shall be shown.

6 (6) A description of the period of time in which operations will be carried out.

7 (b) Notwithstanding subdivision (a), the department is not required to determine  
8 whether the notification is complete or otherwise process the notification until the  
9 timber harvesting plan and the proper notification fee have both been received by  
10 the department.

11 (c) Nothing in this section requires the department to issue an agreement fewer  
12 than 60 days from the date the notification is complete.

13 (d) The date on which the term of an agreement issued pursuant to this section  
14 begins shall be the date timber operations first commence, unless the agreement  
15 specifies a later beginning date.

16 **Comment.** Section 70160 continues former Fish and Game Code Section 1611 without  
17 substantive change.

18 **§ 70165. Licensed cannabis cultivation**

19 70165. (a) Notwithstanding Section 69750, an entity shall not be required to  
20 obtain an agreement with the department pursuant to this title for activities  
21 authorized by a license or renewed license for cannabis cultivation issued by the  
22 Department of Food and Agriculture for the term of the license or renewed license  
23 if all of the following occur:

24 (1) The entity submits all of the following to the department:

25 (A) The written notification described in subdivision (a) of Section 69750.

26 (B) A copy of the license or renewed license for cannabis cultivation issued by  
27 the Department of Food and Agriculture that includes the requirements specified  
28 in subdivisions (d), (e), and (f) of Section 19332.2 of the Business and Professions  
29 Code.

30 (C) The fee specified in subdivision (c) of Section 69750.

31 (2) The department determines in its sole discretion that compliance with the  
32 requirements specified in subdivisions (d), (e), and (f) of Section 19332.2 of the  
33 Business and Professions Code that are included in the license will adequately  
34 protect existing fish and wildlife resources that may be substantially adversely  
35 affected by the cultivation without the need for additional measures that the  
36 department would include in a draft streambed alteration agreement in accordance  
37 with Section 69795.

38 (3) The department notifies the entity in writing that the exemption applies to  
39 the cultivation authorized by the license or renewed license.

40 (b) The department shall notify the entity in writing whether the exemption in  
41 subdivision (a) applies to the cultivation authorized by the license or renewed

1 license within 60 days from the date that the notification is complete and the fee  
2 has been paid.

3 (c) If an entity receives an exemption pursuant to this section and fails to comply  
4 with any of the requirements described in subdivision (d), (e), or (f) of Section  
5 19332.2 of the Business and Professions Code that are included in the license, the  
6 failure shall constitute a violation of Section 69750, and the department shall  
7 notify the Department of Food and Agriculture of any enforcement action taken.

8 **Comment.** Section 70165 continues former Fish and Game Code Section 1602(d) without  
9 substantive change.

10 **Notes.** (1) Existing Section 1602(d) refers to a “draft streambed alteration agreement in  
11 accordance with Section 1602.” Proposed Section 70165 would narrow that cross-reference to the  
12 part of Section 1602 that appears to be relevant to the purpose of the reference (i.e., proposed  
13 Section 69795). **The Commission invites comment on whether that revision would cause any  
14 problems.**

15 (2) Existing Section 1602(d)(3) refers to “a violation under this section.” Proposed Section  
16 70165(c) would narrow that cross-reference to the part of Section 1602 that appears to be relevant  
17 to the purpose of the reference (i.e., proposed Section 69795). **The Commission invites  
18 comment on whether that revision would cause any problems.**

19 **§ 70170. Area agreement regarding cannabis cultivation**

20 70170. (a) The department may adopt regulations establishing the requirements  
21 and procedure for the issuance of a general agreement in a geographic area for a  
22 category or categories of activities related to cannabis cultivation.

23 (b) A general agreement adopted by the department subsequent to adoption of  
24 regulations under this section shall be in lieu of an individual agreement described  
25 in paragraph (2) of subdivision (d) of Section 69750.

26 (c) Paragraph (4) of subdivision (d) of Section 69750 and all other time periods  
27 to process agreements specified in this title do not apply to the issuance of a  
28 general agreement adopted by the department pursuant to this section.

29 (d) The general agreement issued by the department pursuant to this section is a  
30 final agreement and is not subject to Article 4 (commencing with Section 70050)  
31 or Sections 69795, 69805, 69810, and 70075.

32 (e) The department shall charge a fee for a general agreement adopted by the  
33 department under this section in accordance with Section 69780.

34 (f) Regulations adopted pursuant to this section, and any amendment thereto,  
35 shall not be subject to Division 13 (commencing with Section 21000) of the Public  
36 Resources Code.

37 **Comment.** Section 70170 continues former Fish and Game Code Section 1617 without  
38 substantive change.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

## CHAPTER 3. ENFORCEMENT

### Article 1. Civil Action

#### § 70250. Civil penalty

70250. (a) An entity that violates this title is subject to a civil penalty of not more than twenty-five thousand dollars (\$25,000) for each violation.

(b) The civil penalty imposed pursuant to subdivision (a) is separate from, and in addition to, any other civil penalty imposed pursuant to this section or any other provision of the law.

(c) In determining the amount of any civil penalty imposed pursuant to this section, the court shall take into consideration all relevant circumstances, including, but not limited to, the nature, circumstance, extent, and gravity of the violation. In making this determination, the court may consider the degree of toxicity and volume of the discharge, the extent of harm caused by the violation, whether the effects of the violation may be reversed or mitigated, and, with respect to the defendant, the ability to pay, the effect of any civil penalty on the ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the gravity of the behavior, the economic benefit, if any, resulting from the violation, and any other matters the court determines that justice may require.

**Comment.** Section 70250 continues former Fish and Game Code Section 1615(a)-(c) without substantive change.

#### § 70255. Civil action

70255. (a) Every civil action brought under Section 70250 shall be brought by the Attorney General upon complaint by the department, or by the district attorney or city attorney in the name of the people of the State of California, and any actions relating to the same violation may be joined or consolidated.

(b) In any civil action brought pursuant to this title in which a temporary restraining order, preliminary injunction, or permanent injunction is sought, it is not necessary to allege or prove at any stage of the proceeding any of the following:

(1) That irreparable damage will occur if the temporary restraining order, preliminary injunction, or permanent injunction is not issued.

(2) That the remedy at law is inadequate.

(c) The court shall issue a temporary restraining order, preliminary injunction, or permanent injunction in a civil action brought pursuant to this title without the allegations and without the proof specified in subdivision (b).

**Comment.** Section 70255 continues former Fish and Game Code Section 1615(d)-(e) without substantive change.



PART 5. MINING

TITLE 1. VACUUM OR SUCTION DREDGING

CHAPTER 1. GENERAL PROVISIONS

§ 71000. Definitions

71000. (a) For purposes of this section and Section 71200, “river, stream, or lake” means the body of water at the current water level at the time of the dredging.

(b) For purposes of Sections 71050, 71070, 71200, and 71270, “person” does not include a partnership, corporation, or other type of association.

(c) For purposes of this title, the use of vacuum or suction dredge equipment, also known as suction dredging, is the use of a mechanized or motorized system for removing or assisting in the removal of, or the processing of, material from the bed, bank, or channel of a river, stream, or lake in order to recover minerals.

**Comment.** Subdivision (a) of Section 71000 continues former Fish and Game Code Section 5653.5 without substantive change.

Subdivision (b) continues former Fish and Game Code Section 5653.8 without substantive change.

Subdivision (c) continues the first sentence of former Fish and Game Code Section 5653(g) without substantive change.

**Note.** Existing Section 5653(g) defines the terms “vacuum or suction dredge equipment” and “suction dredging” for the purposes of Sections 5653 and 5653.1. In proposed Section 71000(c), the application of the definition is broadened to apply to the entire title. This appears to be appropriate because (1) vacuum and suction dredging is the subject of the title, and (2) Sections 5653 and 5653.1 are the only sections in the title that use the defined terms. **The Commission invites comment on whether this revision would cause any problems.**

§ 71005. Exception for recreational mining

71005. This title does not apply to, prohibit, or otherwise restrict nonmotorized recreational mining activities, including panning for gold.

**Comment.** Section 71005 continues the second sentence of former Fish and Game Code Section 5653(g) without substantive change.

**Note.** Existing Section 5653(g) establishes an exception to the application of Sections 5653 and 5653.1. In proposed Section 71005, that rule is stated as an exception to the entire title that contains Sections 5653 and 5653.1. **The Commission believes that this revision would be nonsubstantive, but invites comment on whether it would cause any problems.**

§ 71010. Regulations

71010. The department shall adopt regulations to carry out Chapter 2 (commencing with Section 71050) and Chapter 3 (commencing with Section 71200) and subdivision (a) of Section 71000. The regulations shall be adopted in

1 accordance with the requirements of Division 13 (commencing with Section  
2 21000) of the Public Resources Code and Chapter 3.5 (commencing with Section  
3 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

4 **Comment.** Section 71010 continues former Fish and Game Code Section 5653.9 without  
5 substantive change.

## 6 CHAPTER 2. PROHIBITIONS AND REQUIREMENTS

### 7 § 71050. General prohibition

8 71050. The use of vacuum or suction dredge equipment by a person in a river,  
9 stream, or lake of this state is prohibited, except as authorized under a permit  
10 issued to that person by the department in compliance with the regulations adopted  
11 pursuant to Section 71010.

12 **Comment.** Section 71050 continues the first sentence of former Fish and Game Code Section  
13 5653(a) without substantive change.

### 14 § 71055. Geographic limitations

15 71055. Under the regulations adopted pursuant to Section 71010, the department  
16 shall designate waters or areas wherein vacuum or suction dredge equipment may  
17 be used pursuant to a permit, waters or areas closed to the use of that equipment,  
18 the maximum size of the vacuum or suction dredge equipment that may be used,  
19 and the time of year when the equipment may be used.

20 **Comment.** Section 71055 continues the first sentence of former Fish and Game Code Section  
21 5653(c) without substantive change.

### 22 § 71060. Unanticipated water level change

23 71060. In the event of an unanticipated water level change, when necessary to  
24 protect fish and wildlife resources, the department may close areas that were  
25 otherwise opened for dredging and for which permits were issued pursuant to  
26 Section 71205.

27 **Comment.** Section 71060 continues former Fish and Game Code Section 5653.7 without  
28 substantive change.

29 **Note.** Existing Section 5653.7 refers to a permit issued “pursuant to Section 5653.” Proposed  
30 Section 71060 would narrow that cross-reference to the part of Section 5653 that appears to be  
31 relevant to the purpose of the reference (i.e., proposed Section 71205). **The Commission invites**  
32 **comment on whether that revision would cause any problems.**

### 33 § 71065. Unlawful possession of equipment

34 71065. It is unlawful to possess a vacuum or suction dredge in areas, or in or  
35 within 100 yards of waters, that are closed to the use of vacuum or suction  
36 dredges.

37 **Comment.** Section 71065 continues former Fish and Game Code Section 5653(e) without  
38 substantive change.

1 § 71070. Unpermitted use a misdemeanor

2 71070. If a person uses vacuum or suction dredge equipment other than as  
3 authorized by a permit issued by the department consistent with regulations  
4 adopted pursuant to Section 71010, that person is guilty of a misdemeanor.

5 **Comment.** Section 71070 continues the third sentence of former Fish and Game Code Section  
6 5653(c) without substantive change.

7 **Note.** Existing Section 5653(c) refers to “regulations implementing this section.” Proposed  
8 Section 71070 would revise the reference to refer to “regulations adopted pursuant to Section  
9 71010.” This would parallel the scope of the regulations incorporated in existing Section 5653(a)  
10 (proposed Section 71050), the provision that establishes the underlying prohibition at issue in  
11 Section 5653(c). **The Commission believes that this would be a rational harmonization of the**  
12 **two provisions, but invites comment on whether it would cause any problems.**

13 § 71075. Equipment inspection

14 71075. Any person required to possess a permit pursuant to Section 71050 shall  
15 present his or her dredging equipment for inspection upon request of a state or  
16 county fish and game warden.

17 **Comment.** Section 71075 continues former Fish and Game Code Section 5653.3 without  
18 substantive change.

19 **Note.** Existing Section 5653.7 refers to a “person required to possess a permit pursuant to  
20 Section 5653.” Proposed Section 71075 would narrow that cross-reference to the part of Section  
21 5653 that appears to be relevant to the purpose of the reference (i.e., proposed Section 71050).  
22 **The Commission invites comment on whether that revision would cause any problems.**

23 CHAPTER 3. PERMITS

24 Article 1. Application and Issuance

25 § 71200. Permit application

26 71200. (a) Before a person uses vacuum or suction dredge equipment in a river,  
27 stream, or lake of this state, that person shall submit an application to the  
28 department for a permit to use the vacuum or suction dredge equipment,  
29 specifying the type and size of equipment to be used and other information as the  
30 department may require pursuant to regulations adopted by the department to  
31 implement this section.

32 (b) The department shall not issue a permit for the use of vacuum or suction  
33 dredge equipment until the permit application is deemed complete. A complete  
34 permit application shall include any other permit required by the department and  
35 one of the following, as applicable:

36 (1) A copy of waste discharge requirements or a waiver of waste discharge  
37 requirements issued by the State Water Resources Control Board or a regional  
38 water quality control board in accordance with Division 7 (commencing with  
39 Section 13000) of the Water Code.

1 (2) A copy of a certification issued by the State Water Resources Control Board  
2 or a regional water quality control board and a permit issued by the United States  
3 Army Corps of Engineers in accordance with Sections 401 and 404 of the Federal  
4 Water Pollution Control Act (33 U.S.C. Secs. 1341 and 1344, respectively) to use  
5 vacuum or suction dredge equipment.

6 (3) If the State Water Resources Control Board or the appropriate regional water  
7 quality control board determines that waste discharge requirements, a waiver of  
8 waste discharge requirements, or a certification in accordance with Section 1341  
9 of Title 33 of the United States Code is not necessary for the applicant to use of  
10 vacuum or suction dredge equipment, a letter stating this determination signed by  
11 the Executive Director of the State Water Resources Control Board, the executive  
12 officer of the appropriate regional water quality control board, or their designee.

13 **Comment.** Subdivision (a) of Section 71200 continues the second sentence of former Fish and  
14 Game Code Section 5653(a) without substantive change.

15 Subdivision (b) continues former Fish and Game Code Section 5653(b) without substantive  
16 change.

17 **§ 71205. Issuance of permit**

18 71205. If the department determines, pursuant to the regulations adopted  
19 pursuant to Section 71010, that the use of vacuum or suction dredge equipment  
20 does not cause any significant effects to fish and wildlife, it shall issue a permit to  
21 the applicant.

22 **Comment.** Section 71205 continues the second sentence of former Fish and Game Code  
23 Section 5653(c) without substantive change.

24 **§ 71255. Permit fees**

25 71255. (a) Except as provided in subdivision (c), the department shall issue a  
26 permit upon the payment, in the case of a resident, of a base fee of twenty-five  
27 dollars (\$25), as adjusted under Section 3755, when an onsite investigation of the  
28 project size is not deemed necessary by the department, and a base fee of one  
29 hundred thirty dollars (\$130), as adjusted under Section 3755, when the  
30 department deems that an onsite investigation is necessary.

31 (b) Except as provided in subdivision (c), in the case of a nonresident, the base  
32 fee shall be one hundred dollars (\$100), as adjusted under Section 3755, when an  
33 onsite investigation is not deemed necessary, and a base fee of two hundred twenty  
34 dollars (\$220), as adjusted under Section 3755, when an onsite investigation is  
35 deemed necessary.

36 (c) The department may adjust the base fees for a permit described in this  
37 section to an amount sufficient to cover all reasonable costs of the department in  
38 regulating suction dredging activities.

39 **Comment.** Section 71255 continues former Fish and Game Code Section 5653(d) without  
40 substantive change.



1 (4) The new regulations described in paragraph (2) fully mitigate all identified  
2 significant environmental impacts.

3 (5) A fee structure is in place that will fully cover all costs to the department  
4 related to the administration of the program.

5 (c)(1) To facilitate its compliance with subdivision (b), the department shall  
6 consult with other agencies as it determines to be necessary, including, but not  
7 limited to, the State Water Resources Control Board, the State Department of  
8 Public Health, and the Native American Heritage Commission, and, on or before  
9 April 1, 2013, shall prepare and submit to the Legislature a report with  
10 recommendations on statutory changes or authorizations that, in the determination  
11 of the department, are necessary to develop the suction dredge regulations required  
12 by paragraph (2) of subdivision (b), including, but not limited to,  
13 recommendations relating to the mitigation of all identified significant  
14 environmental impacts and a fee structure that will fully cover all program costs.

15 (2) The requirement for submitting a report imposed under this subdivision is  
16 inoperative on January 1, 2017, pursuant to Section 10231.5 of the Government  
17 Code.

18 (3) The report submitted to the Legislature pursuant to this subdivision shall be  
19 submitted in accordance with Section 9795 of the Government Code.

20 (d) The Legislature finds and declares that this section, as added during the  
21 2009-10 Regular Session, applies solely to vacuum and suction dredging activities  
22 conducted for instream mining purposes. This section does not expand or provide  
23 new authority for the department to close or regulate suction dredging conducted  
24 for regular maintenance of energy or water supply management infrastructure,  
25 flood control, or navigational purposes governed by other state or federal law.

26 (e) This section does not prohibit or restrict nonmotorized recreational mining  
27 activities, including panning for gold.

28 **Comment.** Section 71280 continues former Fish and Game Code Section 5653.1 without  
29 substantive change.

30 **Notes.** (1) If the regulation review required by Section 5653.1(b) has been completed, that  
31 provision may be obsolete. **The Commission invites input on that issue.**

32 (2) Existing Section 5653.1(c) requires the preparation of a report by April 1, 2013. By its  
33 terms, that requirement became inoperative on January 1, 2017. **The Commission invites**  
34 **comment on whether that provision should be omitted as obsolete.**

## 35 TITLE 2. MINING MITIGATION PLANS

### 36 § 71500. Submission of plan

37 71500. (a) A mine operator shall prepare a mitigation plan that shall be  
38 submitted to the department for approval.

39 (b) For ongoing mining operations, the mitigation plan shall, alone or in  
40 conjunction with regulations adopted by the commission, result in an overall  
41 reduction in take of avian or mammal species.

1 **Comment.** Subdivision (a) of Section 71500 continues the first sentence of former Fish and  
2 Game Code Sections 3005(b)(3) and 3800(b)(3) without substantive change.

3 Subdivision (b) continues the substance of the second sentence of former Fish and Game Code  
4 Sections 3005(b)(3) and 3800(b)(3) with one exception: the reference to regulations adopted by  
5 the commission was not present in former Section 3005(b)(3).

6 **Note.** Proposed Section 71500(b) combines and harmonizes the second sentence of existing  
7 Sections 3005(b)(3) and 3800(b)(3). In doing so, it includes language that is present in Section  
8 3800 but is not present in Section 3005. That language is shown in italics below:

9 “For ongoing mining operations, the mitigation plan shall, *alone or in conjunction with*  
10 *regulations adopted by the commission*, result in an overall reduction in take of avian or mammal  
11 species.”

12 The Commission sees no policy reason that otherwise applicable commission regulations should  
13 be taken into account in Section 3800 but disregarded in Section 3005. It seems unlikely that such  
14 a distinction was intended. Thus, the proposed harmonization would likely be a clarification of  
15 existing law and practice. **The Commission invites public comment on whether the proposed**  
16 **revision would cause any problems.**

17 **§ 71505. Plan is site-specific**

18 71505. The mitigation plan shall be prepared on a site-specific basis and may  
19 provide for offsite mitigation measures designed to reduce avian mortality.

20 **Comment.** Section 71505 continues the fourth sentence of former Fish and Game Code  
21 Sections 3005(b)(3) and 3800(b)(3) without substantive change.

22 **§ 71510. Criteria for approval**

23 71510. (a) Mitigation plans relating to mining operations approved by the  
24 department shall, among other criteria, require avoidance of take, where feasible,  
25 and include reasonable and practicable methods of mitigating the unavoidable take  
26 of birds and mammals.

27 (b) When approving mitigation plans, the department shall consider the use of  
28 the best available technology on a site-specific basis.

29 (c) Mitigation plans relating to mining operations approved by the department  
30 shall include provisions that address circumstances where mining operations  
31 contribute to bird deaths, including ponding of process solutions on heap leach  
32 pads and exposure of process solution channels, solution ponds, and tailing ponds.

33 **Comment.** Section 71510 continues former Fish and Game Code Sections 3005(b)(1)-(2) and  
34 3800(b)(1)-(2) without substantive change.

35 **§ 71515. Public review and comment**

36 71515. The department shall provide an opportunity for public review and  
37 comment on each mitigation plan during the department’s approval process.

38 **Comment.** Section 71515 continues the third sentence of former Fish and Game Code Sections  
39 3005(b)(3) and 3800(b)(3) without substantive change.

1    **§ 71520. Monthly reports**

2       71520. The mine operator shall submit monthly monitoring reports on avian  
3 mortality to the department to aid in evaluating the effectiveness of onsite  
4 mitigation measures.

5       **Comment.** Section 71520 continues the fifth sentence of former Fish and Game Code Sections  
6 3005(b)(3) and 3800(b)(3) without substantive change.

7    **§ 71525. Monitoring and evaluation**

8       71525. The department shall monitor and evaluate implementation of the  
9 mitigation plan by the mine operator and require modification of the plan or other  
10 remedial actions to be taken if the overall reduction in take of avian or mammal  
11 species required pursuant to Section 71500 is not being achieved.

12       **Comment.** Section 71525 continues former Fish and Game Code Sections 3005(b)(4) and  
13 3800(c) without substantive change.

14    **§ 71530. Reimbursement of department costs**

15       71530. The mining operator shall reimburse the department for its direct costs to  
16 provide appropriate notice of the mitigation plan to affected local government  
17 entities and other affected parties. The mine operator shall provide the department  
18 a limited number of copies, as determined by the department, of the mitigation  
19 plan for public review.

20       **Comment.** Section 71530 continues former Fish and Game Code Sections 3005(b)(5) and  
21 3800(b)(4) without substantive change.

22                                    **TITLE 3. MINING IN SPECIFIC AREAS**

23                                    **CHAPTER 1. TRINITY AND KLAMATH RIVER FISH AND**  
24                                    **WILDLIFE DISTRICT (DISTRICT 2675)**

25                                    **Article 1. General Provisions**

26    **§ 71700. No affect on other laws**

27       71700. Article 2 (commencing with Section 71750) does not affect any other  
28 laws applying to the territory included in District 2675 that relate to birds,  
29 mammals, and fish.

30       **Comment.** Section 71700 continues former Fish and Game Code Section 5801 without  
31 substantive change.

32    **§ 71705. No limitation of authority of specified entities**

33       71705. No provision of this chapter is a limitation on the authority of the State  
34 Water Resources Control Board or any California Regional Water Quality Control  
35 Board to adopt and enforce additional discharge requirements or prohibitions.



1 therefrom, does not or will not pass into the waters of Fish and Wildlife District  
2 2675, between those dates

3 (c) Any person, firm, or corporation engaged in hydraulic mining shall have the  
4 right until the fifteenth day of July to use water for the purpose of cleaning up.

5 **Comment.** Section 71760 continues former Fish and Game Code Section 5800(c) without  
6 substantive change.

7 **Note.** The last sentence of existing Section 5800(c) (proposed Section 71760(c)) provides that  
8 specified entities may “use water for the purpose of cleaning up.” This is ambiguous as to the  
9 source of the water at issue and the nature of the clean-up. **The Commission invites public  
10 comment on whether and how the provision should be revised to make its meaning clearer.**

11 **§ 71765. Public nuisance**

12 71765. (a) Any structure or contrivance that is used to violate this article is a  
13 public nuisance.

14 (b) Any person, firm, or corporation that maintains or permits a structure or  
15 contrivance used in violating this article is guilty of maintaining a public nuisance

16 (c) It is the duty of the district attorney of the county where the violation occurs  
17 or the acts creating the public nuisance occur, to bring an action to abate that  
18 nuisance.

19 **Comment.** Section 71765 restates former Fish and Game Code Section 5800(d) without  
20 substantive change.

21 **Note.** Proposed Section 71765 would restate existing Section 5800(d) to improve its clarity,  
22 without changing its substantive effect. The existing provision reads as follows:

23 “Any structure or contrivance which causes or contributes, in whole or in part, to the condition,  
24 the causing of which is in this section prohibited, is a public nuisance, and any person, firm, or  
25 corporation maintaining or permitting it is guilty of maintaining a public nuisance, and it is the  
26 duty of the district attorney of the county where the condition occurs or the acts creating the  
27 public nuisance occur, to bring action to abate such nuisance.”

28 The most significant change made in the restatement is to recast references to “conditions” that  
29 violate existing Section 5800, to instead refer simply to violations of that section. This seems  
30 significantly clearer, because Section 5800 prohibits acts, not the “causing of conditions” (e.g.,  
31 the section prohibits mining generally, depositing mining waste in waters, and hydraulic mining).

32 **The Commission invites comment on whether that restatement would cause any  
33 problems.**



1    **§ 72205. Watershed enforcement program**

2       72205. In order to address unlawful water diversions and other violations of the  
3 Fish and Game Code associated with cannabis cultivation, the department shall  
4 establish the watershed enforcement program to facilitate the investigation,  
5 enforcement, and prosecution of these offenses.

6       **Comment.** Section 72205 continues former Fish and Game Code Section 12029(b) without  
7 substantive change.

8    **§ 72210. Multiagency task force**

9       72210. The department, in coordination with the State Water Resources Control  
10 Board and the Department of Food and Agriculture, shall establish a permanent  
11 multiagency task force to address the environmental impacts of cannabis  
12 cultivation. The multiagency task force, to the extent feasible and subject to  
13 available resources, shall expand its enforcement efforts on a statewide level to  
14 ensure the reduction of adverse impacts of cannabis cultivation on fish and  
15 wildlife and their habitats throughout the state.

16       **Comment.** Section 72210 continues former Fish and Game Code Section 12029(c) without  
17 substantive change.

18    **§ 72215. Regulations**

19       72215. (a) In order to facilitate the remediation and permitting of cannabis  
20 cultivation sites, the department may adopt regulations to enhance the fees on any  
21 entity subject to Section 69750 for cannabis cultivation sites that require  
22 remediation.

23       (b) The fee schedule established pursuant to this section shall not exceed the fee  
24 limits in Section 69780.

25       **Comment.** Section 72215 continues former Fish and Game Code Section 12029(d) without  
26 substantive change.

27                            **TITLE 2. ACTIVITIES THAT AFFECT**  
28    **WATERING PLACES**

29    **§ 72500. Prohibition of activities that affect watering places**

30       72500. (a) For the preservation, protection and restoration of mountain sheep  
31 and other birds and mammals in arid regions of the state, the commission, in  
32 cooperation with the agency authorized to manage the land, may prohibit any  
33 activity, including but not limited to camping, in the vicinity of waterholes,  
34 springs, seeps, and other watering places which are on public lands.

35       (b) The department may enter into agreements with other state and federal  
36 agencies controlling public lands for the purpose of posting those areas.

37       **Comment.** Section 72500 continues former Fish and Game Code Section 308.5 without  
38 substantive change.

1 TITLE 3. AIRPORTS

2 CHAPTER 1. MANAGEMENT OF WILDLIFE AT PUBLIC USE

3 AIRPORTS

4 **§ 72800. Statement of policy**

5 72800. It is the policy of the state to actively encourage the safe and biologically  
6 sound management of wildlife resources on California’s public use airports as  
7 regulated by the Federal Aviation Administration (FAA) and its agents. The  
8 Legislature recognizes that public use airports serving in the United States are  
9 operated according to regulations and policies promulgated by the FAA and  
10 federal law that protect the health, safety, and welfare of the public in compliance  
11 with applicable FAA regulations, standards, policies, and guidance, wildlife  
12 hazard management plans, and associated permits.

13 **Comment.** Section 72800 continues former Fish and Game Code Section 3470 without  
14 substantive change.

15 **§ 72805. Recognition of federal requirements**

16 72805. (a) The Legislature recognizes that, in a public use airport’s ongoing  
17 efforts to protect the health, safety, and welfare of the traveling public in  
18 compliance with Federal Aviation Administration (FAA) regulations, and  
19 specifically Section 337 of Part 139 of Title 14 of the Code of Federal  
20 Regulations, it is necessary to perform limited and authorized wildlife hazing,  
21 harassment, and depredation.

22 (b) The Legislature further recognizes that FAA certificated public use airports  
23 and their wildlife hazard management staff must harass, haze, or perform removal  
24 of species to protect the health, safety, and welfare of the public when authorized  
25 by a current, valid federal fish and wildlife depredation permit.

26 **Comment.** Section 72805 continues former Fish and Game Code Section 3471 without  
27 substantive change.

28 **§ 72810. Federal actions not a violation of this code**

29 72810. The taking of birds by a public use airport certificated by the Federal  
30 Aviation Administration to operate in California that has obtained, and is in  
31 compliance with, a federal depredation permit that authorizes, under specified  
32 conditions, the lawful taking of birds, does not violate any provision of this code  
33 or regulations adopted pursuant to this code if the taking is in compliance with the  
34 federal depredation permit for the purposes specified in Section 72815 and all of  
35 the following conditions are met:

36 (a) The taking occurs on lands owned or leased by the airport.

37 (b) The taking does not occur on lands owned or leased by the airport that are  
38 reserved for habitat mitigation or conservation purposes of the species being taken,

1 including lands in a habitat conservation plan, or a natural communities  
2 conservation plan.

3 (c) There is no taking of a fully protected, candidate, threatened, or endangered  
4 species.

5 **Comment.** Section 72810 continues former Fish and Game Code Section 3472 without  
6 substantive change.

7 **§ 72815. Limitation of authorized take**

8 72815. Take is authorized pursuant to this chapter only to relieve or prevent  
9 injurious situations affecting public safety and shall only be performed as part of  
10 an integrated wildlife management program that emphasizes nonlethal  
11 management techniques.

12 **Comment.** Section 72815 continues former Fish and Game Code Section 3472.1 without  
13 substantive change.

14 **§ 72820. Monitoring of authority and compliance**

15 72820. A public use airport certificated by the Federal Aviation Administration  
16 shall provide to the department any federal depredation permit and all federal  
17 reports required pursuant to any federal depredation permit or wildlife hazard  
18 management plan, or both, and shall also provide reasonable access to the  
19 department for purposes of ensuring compliance with this chapter.

20 **Comment.** Section 72820 continues the first sentence of former Fish and Game Code Section  
21 3472.2 without substantive change.

22 **§ 72825. Reimbursement of costs**

23 72825. The department shall seek reimbursement from the public use airport for  
24 any reasonable costs associated with activities resulting from any violations of this  
25 chapter.

26 **Comment.** Section 72825 continues the second sentence of former Fish and Game Code  
27 Section 3472.2 without substantive change.



DISPOSITION OF FORMER LAW

The table below shows the relationship between each provision of the existing Fish and Game Code and the corresponding provision of the proposed law (if any).

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
1 .....	1(a)	61 .....	590
2 .....	200	62 .....	595
3, 1st sent. ....	10(a)	64 .....	85
3, 2nd sent. ....	25	67 .....	620
4 .....	30	68 .....	645
5 .....	40	70 .....	660
6 .....	45	73 .....	35(f)-(g)
7 .....	50, 1st sent.	75 .....	680
8 .....	55	79 .....	80
9 .....	60	80 .....	95
9.2 .....	725	81 .....	695
10 .....	65	82 .....	700
11 .....	70	83 .....	735
12 .....	3500(b)	86 .....	755
13 .....	75	88 .....	760
13.5 .....	205	89 .....	655
14 .....	215	89.1 .....	740
15 .....	220	89.1 .....	790
16 .....	210	89.5 .....	800
17 .....	225	90 .....	not cont'd
18 .....	230	90.1 .....	not cont'd
19 .....	635	90.5 .....	265
22 .....	245	90.7 .....	340
24 .....	260	91 .....	350
27 .....	270	93 .....	365
29 .....	275	94 .....	410
30, 1st cl. ....	305	96 .....	525
30, 2nd cl. ....	310	96.5 .....	540
32 .....	315	97 .....	600
33 .....	320	97.5 .....	605
35, 1st cl. ....	325	98 .....	610
35, 2nd cl. ....	795	98.2 .....	615
37 .....	335	98.5 (“population”) .....	625
39 .....	345	98.5 (“stock”) .....	745
41 .....	355	99 .....	670
43 .....	360	99.5 .....	750
45 .....	380	101 .....	900
46 .....	475	101.5 .....	905
48 .....	480	102 .....	910
51 .....	485	103 .....	915
54 .....	505	104 .....	935
54.5 .....	520	105 .....	925
55 .....	550	106 .....	930
56 .....	565	107 .....	940
57 .....	580	108 .....	1200
60 .....	585	110 .....	920

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
200(a), (b)(1), (b)(2), 1st sent., (c).....	1000	392.....	5005
200(b)(2), 2nd sent.....	720	393.....	5010
200(b)(2), 3rd sent.....	705	395.....	30100
201.....	1005	396.....	30105(a)-(b)
203.....	1010	398, 1st cl.....	30105(c)
203.1.....	1020	398, 2nd cl.....	not cont'd
205.....	1015	399.....	1250
219.....	1025	400.....	4800
250.....	1100	401.....	4805
255.....	1105	450.....	34500
260.....	1110	451.....	34530(e)
265.....	1115	452.....	34505
270.....	1120	453.....	34510(a)
275.....	1125	454.....	34510(b)
301.....	1205	455.....	34510(c)
302.....	33400(a)	456, 1st sent.....	34515(a)
303.....	33400(b)	456, 2nd sent.....	not cont'd
306.....	8700	456, 3rd sent.....	34515(b)
307.....	8705	457.....	34520
308.....	8720	458.....	34525
308.5.....	72500	459.....	34525
309(a).....	1300	460.....	34530(a)-(d)
309(b).....	1305	500(a)-(c), (d), 1st sent.....	9360
310.....	41000	500(d), 2nd sent.....	9310(b)
312.....	9150	700.....	1500
313.....	44350	701.....	1515
314.....	8710(a)	701.3.....	1520
315.....	8710(b)	701.5.....	1915(a)-(b)
315.3.....	8715	702.....	1505
316.....	39805	702.1.....	4315
316.5.....	41010	703(a).....	1510
317.....	10310	703(b).....	72000
325.....	10500(a)(1)-(3)	703.3.....	2410
326.....	10505(a)	703.5.....	2400
327.....	10510	704.....	1525
328, 1st sent.....	10505(b)	705.....	64400
328, 2nd sent.....	10515	706.....	1530
329.....	10500(a)(4)	707.....	1605(a)
330.....	10500(b)	709 (antelope).....	32965(a)
331(a).....	33000	709 (bighorn sheep).....	35820(a)
331(b), 1st-3rd sent.....	32955	709 (deer).....	34245(a)
331(b), 4th sent.....	32960(b)	709 (elk).....	34870(a)
331(c), (d).....	32950	710.....	3450
332(a).....	34950	710.5.....	3455
332(b).....	34850	710.7.....	3460
332(c).....	34860	711.....	3465
332(d), (e).....	34855	711.1(a).....	58000
355, 1st-2nd para.....	29210	711.1(b).....	58005
355, 3rd para.....	29220	711.1(c).....	58010
356, 1st para.....	29200	711.1(d).....	58015
356, 2nd para.....	29215	711.2(a).....	640
357.....	29225	711.2(b).....	1605(b)
375.....	5100	711.2(b).....	1915(c)
390.....	5000	711.2(b).....	9100(i)
391.....	5050	711.4(a)-(b).....	66200

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
711.4(c)(1), (3)	66205	858(a)	1615
711.4(c)(2)	66210	858(b)	4120
711.4(d)	66215	859	3660
711.4(e)(1)	66220	860	3670
711.4(e)(2)-(3)	66225	875	4200
711.4(f)	66230	876	4210
711.4(g)	66235	877	4205
711.4(h)	66240	878	4215
711.4(i)	66245	879	4220
711.7	66250	880	4225
712	3470	881	4230
713	3755	882	4235
714	9100(a)-(h)	1000	1745
715	1910	1000.6	40955
716	5200	1001	1700
716.1	5205	1002	9200
716.2	5210	1002.5	9205
716.3(a)	5305	1003	9210
716.3(b)	5310	1004	1705
716.3(c)	5315	1005	1750
716.3(d)	5320	1005.5	1755
716.3(e)	5325	1006	1715
716.3(f)	5330	1007	1710
716.3(g)	5335	1008	1720
716.3(h)	5340	1009	2105
716.3(i)	5345	1010	2110
716.3, intro.	5300	1011	2200
716.3(j)	5350	1012	2205
716.3(k)	5355	1013	2210
716.3(l)	5360	1014	60720
716.3(m)	5365	1015	1725
716.3(n)	5370	1016(a), def. in 1st sent.	67400
716.3(o)	5375	1016(a), except def. in 1st sent.	67405
716.3(p)	5380	1016(b), def. in 1st sent.	67400
716.3(q)	5385	1016(b), except def. in 1st sent.	67410
716.3(r)	5390	1016(c)	67415
716.3(s)	5395	1016(d)	67420
716.3(t)	5400	1017	1740
716.4	5450	1018	69200
716.5	5500	1019	2100
716.6	5550	1020	2405
716.7	5600	1021	49850
716.8	5650	1050(a)	2905
716.9	5700	1050(b)	2805
717	5750	1050(c)	2910
717.1	5800	1050(d)	3000
717.2	5805	1050(e)	3750
850	1600	1050(f)	3005
851	4100	1050.1	2815
853	4110	1050.3	2925
854	4115	1050.5	3010
855	4305	1050.6	2915
856	4105	1050.8	3665
856.5	4320	1051	2810
857	1610	1052	3050

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
1052.5	2820	1205	25325
1053.1(a)	2930	1206	25330
1053.1(b)	not cont'd	1210	25135
1053.5	10205	1225	3650
1054(a)	2300	1226(a)	3655
1054(b)	2920	1226(b)	1900
1054(c)	2300	1227	1905
1054(c)	2920	1300	54700
1054.2	8300(a)	1301	54710
1054.5	2900	1320	54750
1054.8	2940	1321	54755
1055.1(a)-(b)	3200	1322	54760
1055.1(c), 1st sent.	3250(a)	1323	54765
1055.1(c), 2nd sent.	3250(c)	1324	54770
1055.1(c), 3rd-4th sent.	3250(b)	1345	54800(a)-(c)
1055.1(d)-(f)	3350	1346	54800(d)
1055.1(g)	3205	1347	54805
1055.1(h)	not cont'd	1348	54815
1055.3	3210	1348.1	54825
1055.6(a)	3255(a)	1348.2	54830
1055.6(b)	3255(b)	1348.3(a)(1), (a)(3), (b)	54835
1055.6(c)	3355	1348.3(a)(2)	not cont'd
1055.6(d)	3255(c)	1349	54840
1055.6(e)	not cont'd	1350(a)	54855
1056	3370	1350(b)	54845
1057	3365	1350(c)	54850
1058	3375	1351	54865
1059	3360(a)-(b)	1352	54875
1061(a)-(e)	2935	1352.5	54880
1061(f)	not cont'd	1353	54860
1065	3260	1354	54820
1068	50655	1355	54870
1069	23200	1356	54810
1110	15200	1360	54900
1120	25100	1361(a)	not cont'd
1121	25105	1361(b)-(j)	54905
1122	25110	1362	54910
1122.5	25130	1363(a)	54925
1123	25405	1363(b)	54930
1123.5	25855	1363(c)	54945
1124	11505	1363(d)-(e)	54940(a)-(b)
1125	25420	1363(f)	54955
1126	25115	1364	54940(c)
1150	25120	1365	54960
1170	25200	1366	54965
1171	25205	1367	54950
1172	25210	1368	54970
1173	25215	1369	54975
1174	25220	1370	54935
1175	25225	1372	54915
1200	25300	1375	54885
1201	25305	1385	57700
1202	25310	1386	57705
1203	25315	1387	57725
1204	25320	1388	57730

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
1389 .....	57710	1572(a), 2nd sent.....	56230
1390 .....	57735	1572(b), 1st sent.....	56270
1391 .....	57740	1572(b), 2nd sent.....	56285
1400 .....	57000	1572(c)(1).....	56325
1401 .....	57005	1572(c)(2).....	56330
1402 .....	57510	1572(c)(3).....	56335
1403 .....	57515	1572(d).....	56240
1404 .....	57520	1572(e).....	56290
1405 .....	57525	1572(f).....	56340
1410 .....	57550	1573(a).....	56245
1411(a), 1st sent.....	57645(a)	1573(b).....	56280
1411(a), 2nd sent.....	57555	1573(c).....	56255
1411(b).....	57645(b)	1573(d).....	56260
1411(c).....	57560	1573(e).....	56265
1412 .....	57650	1573(f).....	56250
1413 .....	57565	1573(g).....	56235
1414 .....	57570	1574.....	56275
1415 .....	57575	1575.....	10700
1416 .....	57580	1580, 1st sent.....	60750
1417 .....	57585	1580, 2nd-3rd sent.....	60760
1418 .....	57590	1580, 4th sent.....	60765
1419 .....	57655	1580, 5th sent.....	60790
1420 .....	57595	1581.....	60770
1421 .....	57600	1582.....	60775
1422 .....	57605	1583.....	60780
1430, 1st sent.....	57625	1584.....	60755
1430, 2nd sent.....	57635	1585.....	60785
1431, 1st sent.....	57630	1586.....	60850
1431, 2nd sent.....	57640	1587.....	60855
1500 .....	60700	1590.....	60550
1500.5 .....	60705	1591.....	60555
1501 .....	54550	1600.....	69700
1501.5 .....	54555	1601.....	69705
1502 .....	1730	1602(a).....	69750
1503 .....	34535	1602(b).....	70155
1504(a)-(c), (e)-(g).....	60680	1602(c).....	69785
1504(d).....	810	1602(d).....	70165
1505 .....	60900	1602(e).....	69710
1506(a)(3).....	810	1603(a), 1st-4th sent.....	69795
1506(except (a)(3)).....	60685	1603(a), 5th-7th sent.....	69805
1525 .....	60600	1603(a), 8th sent.....	69810
1526 .....	60605	1603(b), 1st-2nd sent.....	70050
1526.4 .....	60715	1603(b), 3rd-5th sent.....	70055
1527 .....	60610	1603(b), 6th sent.....	70060
1528, 1st sent.....	60650	1603(b), 7th, 8th sent.....	70065
1528, 2nd sent.....	60655	1603(b), 9th sent.....	70070
1528, 3rd sent.....	60660	1604.....	70075
1528, 4th-5th sent.....	60665	1605(a).....	69850
1528, 6th sent.....	60670	1605(b)-(c).....	69855
1529 .....	60675	1605(d).....	69860
1530, 1st para.....	60625	1605(e).....	69865
1530, 2nd para.....	60630	1605(f).....	69870
1570 .....	56200	1605(g).....	69875
1571 .....	56205	1605(h).....	69880
1572(a), 1st sent.....	56225	1606.....	69800

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
1607	69715	1745(b)(2)	2010
1608	69775	1745(c), (d)	2015
1609	69780	1745(e)-(g)	2020
1610	70150	1745(h)	2025
1611	70160	1745(i)	2035
1612	69885	1745(j)	2030
1613	69790	1745.1	2040
1614	69815	1745.2	60710
1615(a)-(c)	70250	1750	56000
1615(d)-(e)	70255	1755	56005
1615(f)	70260	1756	56010
1616	69720	1758	56025
1617	70170	1760	56050
1650	55100	1761	56055
1651	55105	1762	56060
1652(a)	55200	1763	56065
1652(b)	55205	1764	56030
1652(c)	55215	1765	56080
1652(d)	55220	1766	56085
1652(e)	55225	1767.5	56070
1652(f)	55230	1768	56075
1653(a)	55300	1769	56090
1653(b)	55305	1770	56100
1653(c)	55315	1771	56105
1653(d)-(f)	55320	1772	56110
1653(g)	55325	1775	65800
1654(a)	55350	1776	65805
1654(b)	55110	1776.5	65810
1654(c)(1)	55355	1777	65850
1654(c)(2)	55360	1777.2	65855
1654(c)(3)	55365	1777.5	65860
1654(d)	55370	1778	65865
1655(a)	55150	1778.5	65870
1655(b)	55155	1779	65875
1655(c)	55210	1779.5	65880
1655(c)	55310	1780	65815
1655(d)	55160	1781	65820
1656	55115	1784(a)-(b)	65950
1657	55120	1784(c)-(e)	65955
1700	54525	1785, 1st sent.	65960
1725	11700	1785, 2nd sent.	65965
1726	11705	1786(a)	65970
1726.1	11710	1786(b)	65975
1726.4	11715	1787	65980
1726.5	11720	1790	66050
1727	11725	1791	66055
1728	11730	1792	66060
1729	11735	1792.5	66065
1730	11740	1793	66100
1740	38900	1794	66105
1741	38905	1795	66110
1742	38910	1796	66115
1743	38915	1797	65300
1745(a)	2000	1797.5(a)	65310
1745(b)(1)	2005	1797.5(b)	65315

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
1797.5(c).....	65320	1851(k), 1st-3rd sent. ....	64765
1797.5(d).....	65325	1851(k), 4th-5th sent. ....	64850
1797.5(e).....	65330	1851(l), 1st sent. ....	64770
1797.5(f).....	65335	1851(l), 2nd-3rd sent. ....	64905
1797.5(g).....	65340	1851(m).....	64775
1797.5(h).....	65345	1851(n).....	64780
1797.5, intro. cl. ....	65305	1852(a).....	64935
1798(a).....	65450	1852(b).....	64900
1798(b).....	65455	1852(c).....	64910
1798(c)-(d).....	65460	1852(d).....	64925
1798(e).....	65465	1852(e).....	64915
1798(f).....	65470	1853(a).....	64855
1798.5(a)(1).....	65500	1853(b).....	64920
1798.5(a)(2).....	65505	1853(c).....	64860
1798.5(b).....	65510	1854(a).....	65000
1798.5(c)-(d).....	65515	1854(b).....	64705
1798.5(e).....	65520	1854(c)(1).....	64960
1798.5(f).....	65525	1854(c)(2).....	64965
1798.5(g).....	65530	1854(c)(3).....	64970
1798.5(h).....	65535	1854(c)(4).....	64975
1798.6(a).....	65550	1854(c)(5).....	64980
1798.6(b), 1st-4th sent. ....	65555	1854(c)(6).....	64985
1798.6(b), 5th sent. ....	65585	1854(d).....	64995
1798.6(c)(1).....	65560	1854(e).....	64930
1798.6(c)(2)-(3).....	65565	1855(a).....	65050
1798.6(c)(4), (d).....	65570	1855(b).....	65055
1798.6(e).....	65575	1855(c).....	65060
1798.6(f).....	65580	1855(d).....	65150
1798.6(g).....	65590	1855(e).....	64990
1798.6(h).....	65600	1856(a).....	65100
1798.7.....	65400	1856(b).....	65105
1799(a).....	65650	1856(c).....	65110
1799(b).....	65655	1856(d).....	65115
1799(c).....	65660	1856(e).....	65120
1799(d).....	65665	1856(f).....	65125
1799(e).....	65670	1856(g).....	65135
1799.1(a).....	65675	1856(h).....	65130
1799.1(b).....	65680	1856(i).....	65140
1799.1(c).....	65685	1856(j).....	65145
1799.1(d).....	65690	1856(k).....	65155
1800.....	54500	1857.....	64805
1801.....	54505	1858.....	64800
1802.....	54510	1859.....	64815
1850.....	64700	1860.....	64820
1851(a).....	64715	1861.....	64810
1851(b).....	64720	1900.....	53800
1851(c).....	64725	1901, 2nd sent. ....	557
1851(d).....	64730	1901, except 2nd sent. ....	53805
1851(e).....	64735	1904, 1st sent. ....	53810
1851(f).....	64740	1904, 2nd sent. ....	53815
1851(g).....	64745	1905.....	53850(a)
1851(h).....	64750	1906.....	53850(b)
1851(i).....	64755	1907.....	53825
1851, intro. cl. ....	64710	1908.....	53820
1851(j).....	64760	1909.....	53830

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
1910, 1st sent. ....	53835	2022(h) .....	28680
1910, 2nd sent. ....	53840	2022(j) .....	28685
1911 .....	53845	2050 .....	62000
1912 .....	53855(a)	2051 .....	62005
1913(a) .....	53855(b)	2052 .....	62010
1913(b) .....	53855(c)	2052.1 .....	62015
1913(c) .....	53855(d)	2053 .....	62020
1925, 1st sent. ....	53900	2054 .....	62025
1925, 2nd-3rd sent. ....	53910	2055 .....	62030
1926 .....	53905	2056 .....	62035
1930 .....	54575	2060 .....	62100
1930.5(a)-(b) .....	54580	2061 .....	62110
1930.5(c)-(e) .....	54600	2062 .....	62115
1930.5(f)(1) .....	478	2063 .....	62120
1930.5(f)(2) .....	805	2064 .....	62125
1931 .....	54595(a)	2065 .....	62130
1932 .....	54585	2067 .....	62135
1932.5(a)-(b) .....	54595(b)-(d)	2068 .....	62105
1932.5(c)-(e) .....	54605(a)-(c)	2069(a), intro. cl. ....	63000
1933 .....	54605(d)	2069(a)(1) .....	63005
1940 .....	54590	2069(a)(2) .....	63015
2000 .....	8000	2069(b) .....	63050
2000.5 .....	8005	2069(c) .....	63055
2001 .....	8015	2069(d)-(e) .....	63065
2002 .....	8010	2069(f)(1) .....	63070
2003 .....	8115	2069(f)(2) .....	63075
2003.5 .....	57775	2069(g) .....	63080
2003.6 .....	57780	2070 .....	62200
2004 .....	8120	2071 .....	62250
2005 .....	8125	2071.5 .....	62205
2006 .....	9715	2072 .....	62255
2007 .....	9560	2072.3 .....	62260
2009(a), (c)-(f) .....	8130(a)-(b), (d)-(e)	2072.7 .....	62275
2009(b) .....	8130(c)	2073 .....	62265
2010 .....	9555	2073.3 .....	62270
2011 .....	9735	2073.4 .....	62285
2011.5 .....	9725	2073.5 .....	62280
2012 .....	8305	2073.7 .....	62290
2013 .....	90	2074 .....	62350
2014(a)-(e), (g) .....	8450(a)-(f), (h)	2074.2(a), 1st sent. ....	62355
2014(f) .....	8450(g)	2074.2(a), 2nd sent. ....	62360(a)
2015 .....	28600	2074.2(b) .....	62360(b)-(c)
2016 .....	9580	2074.2(c) .....	62365
2018 .....	8135	2074.2(d) .....	62370
2019 .....	9730	2074.2(e)-(f) .....	62375
2020 .....	4405	2074.4 .....	62380
2021 .....	42610(a)-(d)	2074.6, 1st sent. ....	62400
2021.5(a) .....	42610(e)-(f)	2074.6, 2nd sent., 1st part .....	62405(a)
2021.5(b) .....	42615	2074.6, 2nd sent., 2nd part .....	62415
2022(a) .....	28650	2074.6, 3rd sent. ....	62410
2022(b)-(c) .....	28655	2074.6, 4th sent. ....	62405(b)
2022(d) .....	28660	2074.6, 5th sent. ....	62405(c)
2022(e) .....	28665	2074.8 .....	62420
2022(f), (i) .....	28670	2075 .....	62450
2022(g) .....	28675	2075.5(a), 1st sent. ....	62455

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
2075.5(a), 2nd sent. ....	62460(a)	2086(f) .....	63780
2075.5(b) .....	62460(b)-(c)	2087 .....	63700
2075.5(c) .....	62465	2088, 1st part .....	63710
2075.5(d) .....	62470	2088, 2nd part .....	63715
2075.5(e) .....	62475	2089 .....	63705
2076 .....	62480	2089.10 .....	64015
2076.5 .....	62485	2089.12(a) .....	64020
2077(a) .....	62500	2089.12(b) .....	64025
2077(b) .....	62505	2089.14 .....	64035
2077(c) .....	62510	2089.16 .....	64030
2077(d) .....	62520	2089.18 .....	64040
2077(e) .....	62515	2089.2(a) .....	63900
2078 .....	62210	2089.20(a)-(c) .....	64010
2079 .....	62525	2089.2(b) .....	63905
2080 .....	62600	2089.2(c)-(d) .....	63915
2080.1 .....	62705	2089.20(d)-(e) .....	64045
2080.2 .....	63350	2089.22(a) .....	63930
2080.3 .....	63355	2089.22(b) .....	63720
2080.4 .....	63360	2089.22(b) .....	64525
2081(a) .....	62650	2089.23 .....	64050
2081(b)-(d) .....	62700	2089.24 .....	63925
2081.1 .....	62670	2089.25 .....	63920
2081.10 .....	63455	2089.26 .....	63935
2081.2(a) .....	63600	2089.4 .....	63910
2081.2(b) .....	63605	2089.6 .....	63950
2081.2(c) .....	63615	2089.7 .....	63955
2081.2(d) .....	63625	2089.8 .....	64000
2081.2(e) .....	63610	2089.9 .....	64005
2081.2(f)(1) .....	63620	2098 .....	64100
2081.2(f)(2) .....	63640	2099(a)(1) .....	63010
2081.2(f)(3) .....	63630	2099(a)(2) .....	63015
2081.2(g) .....	63635	2099(b) .....	63100
2081.4 .....	63400	2099(c) .....	63105
2081.5(a) .....	63205	2099(d) .....	63110
2081.5(b)-(c) .....	63210	2099.20 .....	not cont'd
2081.5, intro. cl. ....	63200	2099.5 .....	63010
2081.6 .....	63450	2099.5 .....	63115
2081.7(a) .....	63300	2100 .....	not cont'd
2081.7(b)-(d) .....	63305	2116 .....	26500
2081.7(e)(1)-(3) .....	63310	2116.5 .....	26510
2081.7(e)(4) .....	63315	2117 .....	26505
2081.7(f) .....	63320	2118(a) .....	26700
2081.8 .....	63325	2118(b) .....	26705
2081.9 .....	63500	2118(c) .....	26710
2082 .....	62675	2118(d)-(e), (j) .....	26715
2083, 1st cl. ....	62655	2118(f) .....	26720
2083, 2nd cl. ....	62680	2118(g)-(h) .....	26725
2084 .....	62665	2118(i) .....	26730
2085 .....	62605	2118(k) .....	26735
2086(a) .....	63750	2118.2 .....	26865(a)-(c)
2086(b) .....	63755	2118.3 .....	26865(e)
2086(c) .....	63760	2118.4 .....	26865(d)
2086(d)(1) .....	63765	2118.5 .....	26605
2086(d)(2) .....	63770	2119 .....	26615
2086(e) .....	63775	2120 .....	26600

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
2121 .....	26860	2301(a)(2)(A)-(D)(i), (c)(2) .....	49960
2122 .....	26610	2301(a)(2)(D)(ii)-(iv) .....	49965
2123 .....	26620	2301(b) .....	49970
2124 .....	26850	2301(c)(1) .....	49975
2125(a), 1st sent. ....	27005(a)	2301(d) .....	49980
2125(a), 2nd sent. ....	27000	2301(e) .....	49955
2125(b) .....	27005(b)	2301(f) .....	49995
2125(c) .....	27010	2301(g) .....	49985
2125(d) .....	27015	2301(h) .....	49990
2126 .....	26855	2301(i) .....	50000
2127 .....	27020	2302(a)-(b) .....	50105
2128 .....	26870	2302(c) .....	50110
2150(a) .....	27200	2302(d) .....	50115
2150(b) .....	27205	2302(e) .....	50120
2150(c)-(f) .....	27210	2302(f), 1st-2nd sent. ....	50130
2150.1 .....	27215(b)	2302(f), 3rd sent. ....	50125
2150.2 .....	27215(a)	2302(g) .....	50100
2150.3 .....	27220	2345 .....	28400
2150.4 .....	27225	2346 .....	28405(a)
2150.5 .....	27330	2347 .....	28405(b)
2151 .....	27235	2348 .....	28410
2152 .....	27240	2349 .....	28415
2153 .....	27245	2350 (deer) .....	34120
2155 .....	27250	2350 (game birds) .....	29375
2156 .....	27255	2352 .....	28420
2157(a) .....	27260	2353 .....	28425
2157(b), (d) .....	27265	2354 .....	40705
2157(c) .....	27270	2355 .....	34125
2185(a) .....	27405	2356 .....	43850
2185(b) .....	27400	2358 .....	43855
2186(a) .....	27410	2359 .....	38865(a)
2186(b) .....	27400	2360 (black bass) .....	38850
2187(a) .....	27415	2360 (spotted bass) .....	38860
2187(b) .....	27400	2361 .....	41050
2189(a) .....	27500	2362 (barracuda) .....	38705
2189(b)-(c) .....	27505	2362 (white sea bass) .....	38875(a)
2189(d)-(f) .....	27510	2362 (white sea bass) .....	38875(b)
2190 .....	27700	2362 (yellowtail) .....	44650
2192 .....	27710	2363 (shad) .....	42455
2193(a) .....	27275	2363 (striped bass) .....	38865(b)
2193(b)-(c) .....	27280	2363 (sturgeon) .....	43200
2195 .....	27705	2364 .....	46550
2200 .....	27600	2365 .....	49315
2201 .....	27605	2368 .....	46255
2202 .....	27610	2369 .....	46260
2203 .....	27615	2371 .....	45750
2225 .....	28000	2400 .....	28500
2250 .....	35615	2401 .....	28505
2270 .....	28100(a)	2535 .....	8800
2270.5 .....	28105	2536 .....	8805
2271 .....	28110(a)-(d)	2537 .....	8810
2272 .....	28115	2538 .....	8900
2300(a)-(b) .....	28250	2539 .....	8815
2300(c) .....	28255	2540(a)-(b), (d)-(e) .....	8905
2301(a)(1) .....	49950	2540(c) .....	8910

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
2541	8915	2724	55745
2542	8820	2725	55750
2543	8825	2726	55755
2544	8920	2727	55760
2545	8925	2728	55765
2546	9000	2729	55770
2575	37455(b)	2760	11900
2576	37455(a)	2761	11905
2580	9300	2762	11910
2581	9310(a)	2762.2	11915
2582	9305	2762.5	11920
2583(a), 1st sent.	9320	2762.6	11925
2583(a), 2nd-3rd sent.	9325	2763	11930
2583(b)	9310(c)	2764	11935
2584(a)	9315	2765	11940
2584(b)-(h)	9330	2780	55800
2585	9335	2781	55805
2586(a)	4300	2785	55825
2586(b)	4300	2786	55830
2586(b)	9310(b)	2787	55835
2587(a)	9340	2788	55840
2587(b)	9345	2789	55845
2588	9350	2790	55850
2589	9355	2791	55855
2600	55500	2792	55860
2601	55505	2793	55865
2602	55510	2794	55870
2620	55525	2795	55875
2621	55530	2796	55880
2622	55535	2797	55885
2623	55540	2798	55890
2624	55545	2799	55895
2625	55550	2799.5	55900
2626	55555	2799.6	55905
2627	55560	2800	64500
2640	55600	2801	64505
2641	55605	2802	64510
2642	55610	2805	64515
2643	55615	2809	64550
2644	55620	2810(a), 1st sent.	64555
2644.5	55625	2810(a), 2nd sent.	64560(j)
2645	55630	2810(b)	64560(a)-(i)
2646	55635	2810(c)	64585
2647	55640	2810(d)	64575
2648	55645	2815	64570
2649	55650	2820(a)	64580
2650	55655	2820(b)	64565
2651	55660	2820(c)	64645
2700	55700	2820(d)	64625
2701	55705	2820(e)	64620
2702	55710	2820(f)	64610
2720	55725	2821	64600
2721	55730	2822	64635
2722	55735	2823	64640
2723	55740	2825	64520

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
2826	64615	3004(a)	9700
2827	64630	3004(b)	9705
2828	64650	3004.5(a)	10000
2829	64530	3004.5(b)	10005(a)
2830	64655	3004.5(c)	10010
2831	64660	3004.5(d)	10015
2835	64605	3004.5(e)	10020
2850	60400	3004.5(f)	10030
2850.5	60415	3004.5(g)	10025(a)
2851	60405	3004.5(h)	10025(b)
2852	60410(a)-(d)	3004.5(i)	10005(b)
2853(a)-(b)	60475	3004.5(j)	10005(c)
2853(c)	60480	3005(a)	9565(a)
2854	60510	3005(b)(1)-(2)	71510
2855	60500	3005(b)(3), 1st sent.	71500(a)
2856	60505	3005(b)(3), 2nd sent.	71500(b)
2857	60525	3005(b)(3), 3rd sent.	71515
2858	60515	3005(b)(3), 4th sent.	71505
2859	60520	3005(b)(3), 5th sent.	71520
2860	60450	3005(b)(4)	71525
2861(a)	60530	3005(b)(5)	71530
2861(b)	60535	3005(c)	9565(b)
2862	60455	3005(d)	9565(c)
2863	60420	3005.5	9740
2900	58075	3006 (bear)	33225
2901	58080	3006 (deer)	34115
2930	56800	3006 (elk)	34810
2931(a)	56805	3007	9500(a)
2931(b)-(c)	56900	3008	9720
2931(d)	56945	3009	10100
2932	56850	3010	30910(a)
2932.2	56855	3011	33200
2932.3	56860	3012	9585
2932.5	56865	3031 (two versions)	10210 (two versions)
2933	56920	3031.2	10225
2940	56810	3031.5	10215
2941	56815	3032(a)(1)	31500
2942(a)(1)	56910	3032(a)(2)-(d)	31505
2942(a)(2)	56825	3033	10300
2942(a)(3)(A)	56915	3037	10220
2942(a)(3)(B)	56905	3038	10305
2942(b)(1)	56930	3039	28750
2942(b)(2)	56940	3040	10230
2942(c)	56925	3049	10400
2943	56935	3050	10200
2945	56820	3051	10405
3000	9590	3052	10410
3001	9710	3053	10415
3002	9550	3054	10420
3003	9575	3060	10355
3003.1(a), 1st sent., (b)-(c)	11110(a)	3061	10350
3003.1(a), 2nd-3rd sent.	250	3062	10360
3003.1(d)	11100	3063	10365
3003.2	8140(a)	3080(a)	10800
3003.5	9570	3080(b)	10805

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
3080(c) .....	10810	3401(b) .....	56595
3080(d) .....	10815	3402 .....	56530
3080(e) .....	10820	3403 .....	56545
3086 .....	10825	3404(a) .....	56555
3087 .....	10830(a)-(d)	3404(b) .....	56540
3200 .....	26000	3406(a) .....	56535
3201 .....	26005	3406(b) .....	56590
3202 .....	26010	3406(c) .....	56550
3203 .....	26015	3407 .....	56585
3204, 1st para. ....	26020	3408 .....	56560
3204, 2nd para. ....	26025	3450 .....	4850
3205 .....	26030	3451 .....	4855
3206 .....	26035	3452 .....	4860
3207 .....	26040	3453 .....	4865
3208 .....	26045	3460(a) .....	56700
3209 .....	26050	3460(b) .....	56730
3212 .....	26055	3460(c) .....	56735
3213 .....	26060	3461 .....	56705
3214 .....	26065	3462 .....	56710
3216 .....	26070	3464 .....	56715
3217 .....	26075	3465 .....	56725
3218 .....	26080	3466 .....	56720
3219 .....	26085	3467 .....	56740
3240.5(a) .....	10600	3470 .....	72800
3240.5(b) .....	10605	3471 .....	72805
3240.5(c)-(d) .....	10610	3472 .....	72810
3241 .....	10615	3472.1 .....	72815
3242 .....	10620	3472.2, 1st sent. ....	72820
3243.5 .....	10625	3472.2, 2nd sent. ....	72825
3245 .....	10630	3500(a) .....	665
3246 .....	10635	3500(a)(10) .....	30900
3270(a) .....	29365	3500(a)(11) .....	31100
3270(b) .....	not cont'd	3500(b) .....	545
3300, 1st para., 1st sent. ....	26205	3500(b)(1) .....	30500
3300, 1st para., 2nd sent. ....	26210(a)	3500(b)(6) .....	31000
3300, 2nd para. ....	26200	3500(c) .....	450
3301, 1st sent. ....	26210(b)	3501 .....	29355
3301, 2nd-3rd sent. ....	26215	3502 .....	29350
3302 .....	26220	3503 .....	28905(a)
3303, 1st-2nd sent. ....	26225	3503.5 .....	30110(a)
3303, 3rd sent. ....	26230	3504 .....	28910
3305 .....	26235	3505 (bird of paradise) .....	30300
3306, 1st-2nd para. ....	26240	3505 (egret) .....	30700
3306, 3rd para. ....	26245	3505 (goura) .....	30750
3307, 1st para., 1st sent. ....	26250(b)	3505 (numidi) .....	30800
3307, 1st para., 2nd sent. ....	26250(a)	3505 (osprey) .....	30850
3307, 2nd para. ....	26255	3508 .....	29360
3308 .....	26265	3511(a)(1), 1st-2nd sent. ....	30200(a)-(b)
3309 .....	26260	3511(a)(1), 3rd-6th sent., (a)(2) .....	30205
3310 .....	26270	3511(a)(3) .....	30210
3311 .....	26275	3511(b) .....	420
3400 .....	56500	3511(b)(5) .....	30350
3401(a), 1st sent. ....	56525	3513 .....	29855(a)
3401(a), 2nd sent. ....	56575	3514 .....	370
3401(a), 3rd sent. ....	56580	3515 .....	29705

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
3516, 1st para.....	29700	3800(b)(3), 3rd sent.....	71515
3516, 2nd para. ....	29650	3800(b)(3), 4th sent.....	71505
3660 .....	30910(b)	3800(b)(3), 5th sent.....	71520
3680 .....	31010	3800(b)(4).....	71530
3681 .....	30510	3800(c) .....	71525
3682.1(a).....	29500	3801 .....	31050
3682.1(b).....	29505	3801.5 .....	29860
3682.1(c).....	not cont'd	3801.6(a) .....	30000
3682.2 .....	29510	3801.6(b)(1).....	30005
3683 .....	775	3801.6(b)(2), 1st sent. ....	30015
3683(a)(11) .....	30900	3801.6(b)(2), 2nd-4th sent.....	30010(a)
3683(a)(12) .....	31100	3801.6(c) .....	30010(b)
3683(b)(4) .....	31000	3802 .....	30115
3684(a).....	29515(a)	3803 .....	28915
3684(b).....	29515(b)	3806 .....	29205
3684(c), 1st sent.....	29515(d)	3850 .....	30360
3684(c), 2nd sent. ....	29520(a)	3851 .....	30365
3684(c), 3rd sent.....	29525	3852 .....	30370
3684(c), 4th-5th sent.....	29520(b)	3853 .....	30375
3684(d).....	29530(a)	3854 .....	30380
3684(e), 1st sent.....	29540	3855 .....	30385
3684(e), 2nd sent. ....	29515(e)	3856 .....	30390
3684(f) .....	29545	3857 .....	30395
3684(g).....	29515(c)	3860 .....	29050
3686, 1st sent. ....	29520(c)	3861 .....	29055
3686, 2nd sent., 1st cl. ....	29530(b)	3862 .....	29060
3686, 2nd sent., 2nd cl. ....	29535	3863 .....	29065
3700.1(a).....	30505(a)	3950(a) .....	460(a)(1)-(4), (6)-(9)
3700.1(b).....	30515	3950(a) (antelope) .....	32900
3700.1(c).....	not cont'd	3950(a) (bear) .....	33100
3700.2(a)-(f).....	30520	3950(a) (deer) .....	34100
3700.2(g).....	30525(a)	3950(a) (elk).....	34800
3701, 1st sent. ....	30530	3950(a) (mountain lion) .....	35300(a)
3701, 2nd sent. ....	30535(a)	3950(a) (rabbit & hare) .....	35700
3702, 1st sent. ....	30540	3950(a) (squirrel).....	36000
3702, 2nd sent. ....	30555	3950(a) (wild pig).....	37100
3702, 3rd sent.....	30550	3950(a) (wild rodent) .....	37450
3702.1 .....	30565	3950(b) .....	460(a)(5)
3702.5, 1st sent. ....	30525(b)	3950.1 .....	460(b)-(c)
3702.5, 2nd sent. ....	not cont'd	3950.1(a) .....	35300(b)
3703 .....	30560(a)	3950.1(b) .....	35310
3704, 1st para., 1st-2nd sent. ....	30535(b)	3951 .....	34960
3704, 1st para., 3rd sent.....	30535(c)	3952 .....	34955
3704, 1st para., 4th sent. ....	30545	3953(a) .....	31900
3704, 2nd para. ....	not cont'd	3953(b), 1st sent. (antelope).....	32960(a)
3704.5, 1st para., 1st sent.....	30570	3953(b), 1st sent. (deer).....	34240
3704.5, 1st para., 2nd sent., 1st cl. ....	30555	3953(b), 1st sent. (elk).....	34865
3704.5, 1st para., 2nd sent., 2nd cl. ....	30550	3953(b), 1st sent. (sheep) .....	35825(a)
3704.5, 2nd para. ....	not cont'd	3953(b), 1st sent. (wild pig) .....	37220
3705 .....	30560(b)	3953(b), 2nd sent. (antelope).....	32965(b)
3800(a), 1st sent.....	570	3953(b), 2nd sent. (bear) .....	33305
3800(a), 2nd sent. ....	29850(a)	3953(b), 2nd sent. (deer) .....	34245(b)
3800(b)(1)-(2) .....	71510	3953(b), 2nd sent. (elk) .....	34870(b)
3800(b)(3), 1st sent.....	71500(a)	3953(b), 2nd sent. (sheep) .....	35820(b)
3800(b)(3), 2nd sent.....	71500(b)	3953(c) .....	31905

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
3953(d)	31910	4033	11315(c)
3953(e), 1st sent.	31915	4034	11310
3953(e), 2nd sent.	31920	4035	11320
3953(f)	31925	4036	11350
3953(g)	31930	4037	11325(a)
3960(a)	31500	4038	11325(b)
3960(b)	31510(a)	4040	11330
3960(c)(1)-(2), (4)	31550	4041	11335
3960(c)(3)	31510(b)	4042	11340
3960.2 (bear)	31500	4043	11355
3960.2 (bear)	33515	4150, 1st sent.	575(a)
3960.2 (bobcat)	33755	4150, 2nd sent.	32300
3960.2 (bobcat)	33905	4151	575(b)
3960.4(a)	31500	4152	36010
3960.4(b)-(d)	33950	4152 (fox)	35215
3960.4 (bear)	33600	4152 (muskrat)	35610
3960.4 (bobcat)	33755	4152 (nongame mammal)	32305
3960.6(a)	31500	4152 (rabbit & hare)	35710
3960.6(b)	33900	4153, 1st para.	32310(a)
3960.6 (bear)	33505	4153, 2nd para.	31600
3960.6 (bobcat)	33755	4154	32310(b)
3961	31555	4155(a)	33805
4000 (beaver)	33700	4155(b)-(c)	33810
4000 (fox)	35200	4155(d)	33800
4000 (“fur bearing mammal”)	435	4155(e)	33815
4000 (muskrat)	35600	4155(f)	33820
4002	32150(a)	4180	32155
4003	32150(b)	4180.1, 1st para.	31605(a)
4004(a)	11150	4180.1, 2nd para.	31605(b)
4004(b)	11105	4181(a) (bear)	33520(a)-(d), (f)
4004(c)	11020(a)-(b)	4181(a) (beaver)	33710
4004(d)	11000	4181(a) (elk)	35000(a)-(c), (f)
4004(e)	11155	4181(a) (squirrel)	36015
4004(f)	11005	4181(a) (wild pig)	37150
4004(g)	11010	4181(a) (wild pig)	37360(a)-(c), (e)
4005(a), 1st sent.	11200(a)-(b)(1)	4181(a) (wild turkey)	31110
4005(a), 2nd sent.	650	4181(b)	33520(e)
4005(b)	11210	4181(c) (wild pig)	37355(f)
4005(c)	11200(b)(6)	4181(c) (wild rodent)	37360(d)
4005(d)	11205	4181(d)	35000(d)-(e)
4005(e)	11200(b)(2)-(5)	4181.1(a)	33510(a)
4005(f)	37460	4181.1(b)	37355(a)-(d)
4006(a)	11215(a)	4181.1(c) (bear)	33510(b)
4006(b)	11230	4181.1(c) (wild pig)	37355(e)
4006(c)	11215(b)	4181.1(d)	33510(c)
4007	11220	4181.1(e)	33510(d)
4008	11225	4181.2	37350
4009	11015	4181.5	34600
4009.5	11235	4185	33650
4010	26400	4186	35705
4011	31700	4188 (deer)	34605
4012	35210	4188 (wild pig)	37365
4030	11300	4188 (wild turkey)	31115
4031	11305	4190	31610
4032	11315(a)-(b)	4301(a), 1st sent.	34400(b)-(c)

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
4301(a), 2nd-5th sent.	34405(b)-(d)	4763	33500
4301(b) (deer)	34400(a)	4800(a)-(c)	35350
4301(b) (deer)	34405(a)	4800(d)	35310
4302	34110	4801	35400
4303	34410	4801.5	35440
4304, 1st sent.	29370	4802	35405
4304 (deer)	34415	4803	35410
4304 (game mammal)	31800	4804	35415
4330	34200(a)	4805	35420
4331	34220	4806	35425
4332(a)-(d)	34225	4807	35430
4332(e)	not cont'd	4808	35315
4333	34230	4809	35435
4334	34215	4810	35500
4336	34205	4900	35810
4340	34235	4901	35815
4341	34210	4902(a)-(b)	35900
4370	34350	4902(c)	35910
4371	34355	4902(d)	35905(a)-(b)
4500(a)-(b)	32500(a)-(b)	4902(e)	35905(c)
4500(c) ("marine mammal")	530	4903	35915
4500(c) (sea otter)	35750(a)	4903, 3rd-4th sent.	35825(b)
4500(c) (whale)	37000(a)	5000	53305
4501	35755	5001	53315
4502.5	37050	5002	53310
4600	34055(a)-(c)	5050(a) (fully prot. amph.)	52200(a)-(d), (g)
4650	37105	5050(a) (fully prot. reptile)	53000(a)-(d), (g)
4651	37300	5050(b)(1)-(2)	440
4652	37150	5050(b)(3)-(5)	415
4653	37200	5060	53100
4654 (wild pig)	37205	5061	53105
4654 (wild pig)	37215	5062	53200
4655	37210	5500	8145
4656	not cont'd	5501	11540
4657	37155	5503	11525
4700(a)(1), 1st-2nd sent.	32700(a)-(b)	5505 (amphibians)	51905
4700(a)(1), 3rd-6th sent., (a)(2)	32705	5505 (bait)	11530
4700(a)(3)	32710	5505 (crustaceans)	45250
4700(b)	430	5505 (mollusks)	45400
4700(b)(1)	37450(b)	5507	11510
4700(b)(2)	35800	5508	11515
4700(b)(6)	37000(b)	5509	11520
4700(b)(7)	37450(c)	5510	13710
4700(b)(8)	35750(b)	5511	24905
4750	33205(a)	5514 (salmon)	41005
4751	33300	5514 (steelhead)	43950
4752	33310	5515(a)	38200(a)-(d), (g)
4753	33210	5515(b)	425
4754	33315	5516	11535
4755	33215	5517	42605
4757	33220	5520	46000
4758	33455	5521	45800
4759, 1st sent.	33450(a)	5521.5	45805
4759, 2nd-3rd sent.	33450(b)	5521.6	45810
4760	33110	5522(a), (b)	46005

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
5522(c) .....	46010	5800(b) .....	71755
5522(d) .....	46015	5800(c) .....	71760
5522(e) .....	46020	5800(d) .....	71765
5523 .....	11500	5801 .....	71700
5650(a) .....	66500	5802 .....	71710
5650(b) .....	66505	5803 .....	71705
5650(c)-(f) .....	66510	5900 .....	68000
5650.1(a)-(c) .....	66550	5901 .....	68105
5650.1(d)-(g) .....	66575	5902 .....	68050
5650.1(h) .....	66570	5903 .....	68055
5650.1(i) .....	66555	5904 .....	68060
5650.1(j) .....	66565	5930 .....	68400
5651 .....	66700	5931 .....	68405
5652 .....	66525	5932 .....	68410
5653(a), 1st sent. ....	71050	5933, 1st sent. ....	68500
5653(a), 2nd sent. ....	71200(a)	5933, 2nd sent. ....	68505
5653(b) .....	71200(b)	5933, 3rd sent. ....	68510
5653(c), 1st sent. ....	71055	5933, 4th-5th sent. ....	68520
5653(c), 2nd sent. ....	71205	5934 .....	68515
5653(c), 3rd sent. ....	71070	5935 .....	68305
5653(d) .....	71255	5936 .....	68300
5653(e) .....	71065	5937 .....	68310
5653(f) .....	71260	5938 .....	68650
5653(g), 1st sent. ....	71000(c)	5939 .....	68655
5653(g), 2nd sent. ....	71005	5940 .....	68660
5653.1 .....	71280	5941 .....	68665
5653.3 .....	71075	5942 .....	68670
5653.5 .....	71000(a)	5943 .....	68315
5653.7 .....	71060	5944 .....	68320
5653.8 .....	71000(b)	5945 .....	68675
5653.9 .....	71010	5946 .....	68600
5654(a)(1) .....	66800(a)-(d)	5947 .....	68605
5654(a)(2) .....	66800(e)	5948 .....	68100
5654(b) .....	66805	5980 .....	68800
5654(c) .....	66825	5981 .....	68850
5654(d) .....	66810	5982 .....	68855
5654(e) .....	66820	5983 .....	68900
5654(f) .....	66830	5984 .....	68905
5654(g) .....	66835	5985 .....	68910
5654(h) .....	66840	5986 .....	68915
5655 .....	66710	5987 .....	68920
5656 .....	67505(c)	5988 .....	68865
5669 .....	45500(a)	5989 .....	68870
5670 .....	45505	5990 .....	68860
5671 .....	45500(a)	5991 .....	68875
5672, 1st para. ....	45510(a)	5992 .....	68925
5672, 2nd para. ....	45505	5993 .....	68930
5673 .....	45510(b)	6020 .....	69000
5674 .....	45515	6021 .....	69050
5675 .....	45500(b)	6022 .....	69060
5700 .....	45450	6023 .....	69065
5701 .....	45455	6024 .....	69070
5701.5 .....	45460	6025 .....	69075
5702 .....	45465	6026 .....	69055
5800(a) .....	71750	6027 .....	69080

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
6028 .....	69085	6593, 2nd sent. ....	25715(b)
6100(a) .....	69500	6594 .....	25715(a)
6100(b) .....	69505	6595 .....	25725
6100(c) .....	69510	6596.1(a), 1st, 3rd sent. ....	12910(a)-(b)
6100(d) .....	69515	6596.1(a), 2nd sent., (f) .....	13255(a)
6300, 2nd sent. ....	53600	6596.1(b) .....	21935
6300 (amphibians) .....	52000	6596.1(c) .....	38875(c)
6300 (fish) .....	37950	6596.1(d) .....	14620(a)
6301 (amphibians) .....	52005	6596.1(e) .....	not cont'd
6301 (aquatic plants) .....	53605	6596.1(f) .....	13255(a)
6301 (fish) .....	37955	6596.1(f) .....	14620(a)
6302 (amphibians) .....	52010	6596.1(g) .....	13255(b)
6302 (aquatic plants) .....	53610	6596.1(g) .....	14620(b)
6302 (fish) .....	37960	6597 .....	25730
6303 (amphibians) .....	52015	6597.5 .....	25735
6303 (aquatic plants) .....	53615	6598 .....	25740
6303 (fish) .....	37965	6600 .....	67000
6304 (amphibians) .....	52020	6601 .....	67005
6304 (aquatic plants) .....	53620	6602 .....	67010
6304 (fish) .....	37970	6603(a)-(c) .....	67050
6305 (amphibians) .....	52025	6603(d) .....	67055
6305 (aquatic plants) .....	53625	6603(e) .....	67060
6305 (fish) .....	37975	6603(f) .....	67080
6306 (amphibians) .....	52030	6604 .....	67065
6306 (aquatic plants) .....	53630	6605(a) .....	67015
6306 (fish) .....	37980	6605(b) .....	67070
6400 .....	25415(b)	6605(c) .....	67075
6400.5 .....	38870(a)	6610 .....	67100
6401 .....	25410	6611 .....	67105
6402 .....	25850	6612(a) .....	67110
6403 .....	12910	6612(b) .....	67115
6403 .....	13255(c)	6612(c) .....	67120
6403 (carp) .....	39150	6612(d) .....	67125
6403 (fish planting) .....	25400	6613(a) .....	67150
6420 .....	25600	6613(b) .....	67155
6421 .....	25605	6613(c) .....	67160
6422 .....	25610	6613(d) .....	67165
6423 .....	25615	6613(e) .....	67170
6424 .....	25620(a)	6613(f) .....	67175
6425(a) .....	not cont'd	6613(g) .....	67180
6425(b) .....	25620(b)	6614(a) .....	67200(a)
6440 .....	39205	6614(b), 1st sent. ....	67200(b)
6450 .....	39210	6614(b), 2nd. sent. ....	67205
6451 .....	39215	6614(c) .....	67210
6452 .....	39220	6614(d) .....	67215
6453 .....	39235	6614(e) .....	67220
6454 .....	39230	6614(f) .....	67225
6455 .....	39225	6615 .....	67250
6456 .....	39200	6616 .....	67255
6457 .....	39240	6617 .....	67260
6460 .....	39245	6618 .....	67265
6590 .....	25700	6619 .....	67270
6591 .....	25705	6620 .....	67275
6592 .....	25710	6621 .....	67280
6593, 1st, 3rd sent. ....	25720	6650 .....	54025

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
6651(a)-(b) .....	54030	6924 .....	11835
6651(c) (agar) .....	54305	6930 .....	11850
6651(c) (kelp) .....	54010	6950 .....	41100
6652 .....	54055	6952 .....	41105
6653 .....	54005	6953 .....	41110
6653.5(a) .....	54330	6954 .....	41115
6653.5(b) .....	54325	6955 .....	41120
6654 .....	54175	6956 .....	41125
6655 .....	54180	7050 .....	12100
6656 .....	54035	7051 .....	12105
6657 .....	54040	7055 .....	12150
6680 .....	54050	7056 .....	12155
6700, 1st sent. ....	54080	7058 .....	12160
6700, 2nd sent. ....	54075	7059 .....	12165
6701 .....	54085	7060 .....	12200
6701.5 .....	54090	7062 .....	12205
6702 .....	54095	7065 .....	12250
6703 .....	54100	7066 .....	12255
6704 .....	54105	7070 .....	12300
6705 .....	54110	7071(a) .....	12305
6706 .....	54115	7071(b)-(c) .....	12310
6707 .....	54120	7072(a)-(c) .....	12315
6708 .....	54125	7072(d) .....	12320
6709 .....	54130	7073 .....	12325
6710 .....	54135	7074 .....	12330
6711 .....	54140	7075 .....	12400
6750 .....	54200	7076 .....	12405
6751 .....	54205	7077 .....	12410
6850 .....	52400	7078(a)-(c) .....	12415
6851 .....	52450	7078(d) .....	12420
6852 .....	52460	7078(e)-(f) .....	12425
6854 .....	52455	7080 .....	12500
6855 .....	52465	7081 .....	12510
6880 .....	52500	7082 .....	12515
6881, 1st sent. ....	52505	7083 .....	12520
6881, 2nd sent. ....	52510	7084 .....	12525
6882 .....	52505	7085 .....	12530
6883 .....	52515	7086 .....	12535
6884 .....	52505	7087(a) .....	12505
6885 .....	52520	7087(b) .....	12540(a)
6895 .....	52300	7088 .....	12540(b)
6896 .....	52305	7090(a) .....	12600
6900 .....	11800	7090(b)(1), (b)(2), 1st sent. ....	12605
6901 .....	11810	7090(b)(2), 2nd sent., (b)(2), (A)-(E) .....	12610
6902 .....	11815	7090(c) .....	12615
6903 .....	11820	7090(d) .....	12620
6903.5 .....	25125	7090(e) .....	12625
6910 .....	11805	7090(f) .....	12630
6911 .....	11805(a)	7090(g) .....	12635
6912 .....	11805(b)	7090(h) .....	12640
6920(a) .....	11825(a)	7100 .....	12805
6920(b) .....	11830	7110 .....	13800
6921 .....	11825(b)	7115 .....	13805
6922 .....	11845	7120 .....	13500
6923 .....	11840	7121, 1st para. ....	13600

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
7121, 2nd para. ....	13605	7232 .....	13705
7123 .....	40710	7256 .....	49310
7145(a) .....	12900	7260 .....	43805
7145(a) .....	13000	7261 .....	555
7145(b).....	13010	7290 .....	46250
7147 .....	21930	7332 .....	46300
7149.05(a).....	12850	7350 .....	38855
7149.05(a).....	13100(a)	7361 .....	13900
7149.05(b).....	13400	7362 .....	13910
7149.05(c).....	not cont'd	7363 .....	13905
7149.05(d).....	13100(b)	7364 .....	13915
7149.05(e).....	13100(c)	7370 .....	43150(a)-(b)
7149.2 .....	13105	7380 .....	44000
7149.3 .....	53250	7381 .....	44005
7149.45(a).....	12905(a)-(b)	7382 .....	44010
7149.45(b).....	13250	7400 .....	46050
7149.45(c).....	not cont'd	7600 .....	14200(a)-(b)
7149.5 .....	13110	7600 .....	37805
7149.7 .....	13020	7600 .....	45005
7149.8 .....	45700(a)-(c)	7601 .....	785
7149.9(a), 1st, 2nd sent. ....	45955(a)	7630 .....	22900
7149.9(a), 3rd sent. ....	45950(a)	7650 .....	22300
7149.9(a)(1), 1st sent. ....	45960	7652(a)-(c).....	22405
7149.9(a)(1), 2nd sent. ....	45950(b)-(c)	7652(d) .....	22315
7149.9(a)(2)-(3) .....	45960	7652.1 .....	22400(a)-(d)
7149.9(b)-(d).....	45955(b)-(d)	7652.2 .....	22450(a)-(d)
7150 .....	13150	7652.3(a) .....	22410
7151(a)-(c) .....	13200	7652.3(a) .....	22455
7151(d).....	13205	7652.3(b) .....	22400(e)
7151(e).....	13210	7652.3(b) .....	22450(e)
7151(f)-(g) .....	13215	7653 .....	22415
7153(b) .....	13005	7654 .....	22305
7153(a) (re aquaculture facility) .....	13015	7655 .....	22310
7153(a) (re public pier) .....	13005	7660 .....	42050(b)
7180.1(a) .....	12950	7662 .....	42050(a)
7180.1(a).....	12955	7690 .....	23100
7180.1(b).....	12955	7700(a)-(c).....	21600
7180.1(c), 1st sent. ....	12955	7700(d) .....	730
7180.1(c), 2nd sent. ....	13260	7701 .....	21605
7180.1(d).....	not cont'd	7702 .....	21610
7181.1(a).....	12960	7702.1 .....	21810
7181.1(b).....	not cont'd	7703 .....	21615
7182.1(a).....	13405	7704(a) .....	14310
7182.1(b).....	not cont'd	7704(b) .....	21800
7183.1(a)-(b).....	13355	7704(c) .....	42750
7183.1(c).....	not cont'd	7705 .....	21750
7184.1(a)-(b) .....	13360	7706 .....	21850
7184.1(c).....	not cont'd	7707 .....	21855
7185 .....	12965	7708 .....	14350
7185 .....	13350(a)	7709 .....	23150
7185 .....	13405(b)	7710(a)-(c).....	22800(a)-(e)
7186.1(a).....	13365	7710, last para. ....	22800(f)
7186.1(b).....	13350(b)	7710, last para. ....	22805(d)
7186.1(c).....	not cont'd	7710.1 .....	22810
7230 .....	13700	7710.5 .....	22805(a)-(c)

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
7712 .....	22815	7892, 1st sent. ....	15050
7850 .....	280	7892, 2nd sent. ....	15055
7850(a) .....	14500(a)	7892, 3rd sent. ....	15060
7850(b) .....	14500(b)	7920, 1st, 3rd sent. ....	295
7850(c) .....	14615	7920, 1st, 3rd sent. ....	300
7850(c), 1st sent. ....	14500(c)	7920, 1st, 3rd sent. ....	21905
7850(d) .....	14500(d)(1)	7920, 2nd sent. ....	21900
7850.5 .....	14500(d)(2)	7921, 1st sent. ....	21915
7851 .....	14550(b)	7921, 2nd sent. ....	21910
7852(a)-(b) .....	14550(a)	7923 .....	21920(a)
7852(a)-(d) .....	14600	7924 .....	21925
7852(e) .....	14550(c)	7925 .....	42100
7852.1 .....	14610	8010 .....	22210
7852.1 .....	14770	8022 .....	22205
7852.2 .....	14605	8025(a) .....	21400
7852.25 .....	14555	8025(a) .....	22215
7852.27 .....	14505	8025(b) .....	not cont'd
7852.27 .....	20225	8026 .....	22200(a)-(b)
7852.4 .....	14860	8030 .....	20200
7853 .....	14665(a)	8031(a)(1), 1st-2nd sent. ....	20400(a)
7854 .....	14665(b)	8031(a)(1), 3rd sent. ....	20400(b)
7855 .....	14655	8031(a)(2)-(3) .....	not cont'd
7856(a)-(d) .....	14870 (a)-(g)	8031(a)(4) .....	290
7856(e) .....	14870(h)	8031(b) .....	not cont'd
7856(f), 1st-3rd sent. ....	14875	8032(a) .....	20205(a)
7856(f), 4th sent. ....	14880	8032(a) .....	20230(a)
7857(a), (c)-(k), (m) .....	14560	8032(b) .....	20205(b)
7857(b) .....	14650	8032(c) .....	20230(b)
7857(e) .....	14865	8032.5(a)-(b), (d)-(i) .....	20210
7857(k) .....	14760	8032.5(c) .....	20235
7857(l) .....	14855	8033 .....	395
7857(m) .....	14850	8033(a) .....	20450
7858 .....	14565	8033(b) .....	20455(a)
7860 .....	41355	8033(c) .....	20460
7861 .....	41360(a)-(e)	8033.1(a) .....	515
7861.1 .....	41360(f)	8033.1(a) .....	20600
7861.2 .....	41365	8033.1(b) .....	20610
7861.3 .....	41350	8033.2 .....	20605(a)
7861.4 .....	41375	8033.5(a) .....	400
7861.5 .....	41370	8033.5(a), 1st sent. ....	20500
7862 .....	41380	8033.5(a), 2nd sent. ....	20505(a)
7862.5 .....	41385	8033.5(b) .....	not cont'd
7863 .....	41390	8034 .....	390
7880 .....	14785	8034(a), 1st sent. ....	20400(a)
7881(a) .....	14755	8034(a), 2nd sent. ....	20405(a)
7881(a) .....	14780	8034(b) .....	not cont'd
7881(b), 1st sent. ....	14765(a)	8035 .....	405
7881(b), 2nd sent. ....	14775	8035(a) .....	20550(a)
7881(c), 1st sent. ....	14765(a)	8035(b) .....	20555(a)
7881(c), 2nd sent. ....	14775	8035(c) .....	20550(b)
7881(d) .....	14790	8036(a) .....	385
7881(e) .....	14750	8036(a), 1st sent. ....	20350
7881(f) .....	14765(b)	8036(a), 2nd sent. ....	20355(a)
7881(g) .....	14765(c)	8036(b) .....	not cont'd
7891 .....	15200	8037(a), 1st sent. ....	20300

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8037(a), 2nd sent. ....	20220	8047(c)(2), 2nd sent. ....	21230(a)
8037(b).....	not cont'd	8047(c)(2), 3rd sent. ....	21230(b)
8038 .....	20215	8047(c)(3) .....	21205
8039 (fish importer).....	20355(b)	8047(c)(4) .....	20450
8039 (fish processor) .....	20405(b)	8047(c)(5) .....	21200
8039 (fish receiver) .....	20455(b)	8047(d) .....	21225
8039 (fish retailer) .....	20505(b)	8047(e), 1st sent. ....	21220
8039 (fish wholesaler) .....	20555(b)	8047(e), 2nd-3rd sent. ....	21240
8039 (marine aquaria receiver) .....	20605(b)	8047(e), 4th sent. ....	21245
8039 (multi-function license) .....	20230(c)	8050 .....	21300
8040(a) .....	280	8051 .....	20955(a)
8040(b).....	20900	8051.4(a) .....	46150
8041 .....	20950	8051.4(b) .....	not cont'd
8042, 1st sent. ....	20955(a)	8052 .....	21360
8042, 2nd sent. ....	20955(b)	8053 .....	21350
8043(a), 1st sent. ....	21000(a), (c)	8055 .....	42105
8043(a), 2nd sent. ....	21005(a)	8056 .....	21355
8043(b).....	21020	8057 .....	21365(a)
8043(c), 1st sent. ....	21025(b)	8058 .....	21365(b)
8043(c), 2nd-3rd sent. ....	21025(c)	8059 .....	21365(c)
8043(c), 4th sent. ....	21155	8060 .....	21365(d)
8043.1(a) .....	21000(b)	8061 .....	21365(e)
8043.1(b).....	20905	8062 .....	21365(f)
8043.1(c), 1st sent. ....	21005(b)	8063 .....	21365(g)
8043.1(c), 2nd sent. ....	21005(c)	8064 .....	21370
8043.1(d).....	not cont'd	8065 .....	21375(a)
8043.2(a) .....	21010	8066 .....	21375(b)
8043.2(b).....	21450	8067 .....	21375(c)
8043.2(c).....	21455	8068 .....	21375(d)
8045 .....	21020	8069 .....	21375(e)
8045 .....	21225	8070 .....	21375(f)
8046(a), 1st sent. ....	21150	8075 .....	21650
8046(a), 2nd-4th sent. ....	21100	8076 .....	21805
8046(b).....	21015	8077 .....	21655
8046(c) .....	21110	8078 .....	21660
8046.1 .....	21115	8079 .....	21665
8046.1 .....	38365	8079.1 .....	21670
8047(a)(1), 1st sent, 1st cl. ....	21000(d)	8080 .....	21675
8047(a)(1), 1st sent, 2nd cl. ....	21005(c)	8100 .....	495
8047(a)(1), 2nd sent. ....	21150	8101 .....	22500
8047(a)(1), 3rd sent. ....	21105(a)	8102 .....	22505
8047(a)(1), 4th sent. ....	21110	8103 .....	22510
8047(a)(2), 1st sent. ....	21210(b)	8104 .....	22515
8047(a)(2), 2nd-3rd sent. ....	21000(a), (c)	8110 .....	22705
8047(a)(2), 4th sent. ....	21215	8111 .....	22700
8047(b), 1st sent. ....	21000(c)	8112 .....	22710
8047(b), 2nd sent. ....	20950	8113 .....	22715
8047(b), 3rd sent. ....	21025(a)	8114 .....	22720
8047(b), 4th sent. ....	not cont'd	8120 .....	41600
8047(b), 5th sent. ....	21105(a)	8121 .....	41605(a)-(c)
8047(b), 6th sent. ....	21105(b)	8122 .....	41605(d)
8047(b), 7th sent. ....	21110	8123 .....	41610
8047(c)(1) .....	21210(a)	8125, 1st-2nd sent. ....	22905
8047(c)(1) .....	21215	8125, 3rd sent. ....	22915
8047(c)(2), 1st sent. ....	21235	8126 .....	22910

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8140 .....	14210	8246.6 .....	41775
8150.5 .....	42265	8246.7 .....	41780
8150.7, 1st sent. ....	42255	8246.8 .....	41660(a)
8150.7, 2nd sent. ....	42260	8247, 1st sent. ....	41900
8154 .....	42350	8247, 2nd sent. ....	41940
8180 .....	38555(a)	8247, 3rd sent. ....	41930
8181 .....	38555(b)	8247.1 .....	41915
8182 .....	38555(c)	8247.2, 1st sent. ....	41925
8183 .....	38560	8247.2, 2nd-3rd sent. ....	41935
8190 .....	38550	8247.3 .....	not cont'd
8210.2 .....	41450	8247.4 .....	41945
8213 .....	41460	8247.5(a) .....	41905
8214 .....	41465	8247.5(b) .....	41920
8215 .....	41470	8247.6 .....	41955
8217 .....	41455	8247.7 .....	41910
8218 .....	41475	8247.8 .....	41950
8219 .....	41480	8248 .....	41655
8226 .....	42110	8250 .....	710
8230 .....	41650	8250.5(a) .....	49700
8231 .....	41305	8250.5(b) .....	49715
8232 .....	41665	8250.5(c) .....	49750
8232.5 .....	41670	8251 .....	49600
8233, 1st sent. ....	41715	8252 .....	49605
8233, 2nd sent. ....	41795	8253 .....	49755
8233.3 .....	41730	8254 .....	49500(a)-(e)
8233.4 .....	41760	8254.7, 1st-6th sent. ....	49515
8233.5 .....	41735	8254.7, 7th sent. ....	49615
8233.8 .....	41710	8257 .....	49505
8233.9 .....	41680	8258 .....	49710(a)
8234(a) .....	41675	8259 .....	49510
8234(b) .....	41800	8275 .....	46855
8235 .....	41725	8276(a)-(b) .....	47300
8236 .....	41720	8276(c) .....	47060
8237 .....	41735	8276.2(a) .....	47350
8238 .....	41745(a)	8276.2(b)(1) .....	47355(a)
8238.1 .....	41745(b)	8276.2(b)(2)(A) .....	47370
8239 .....	41740(a)-(i)	8276.2(b)(2)(B) .....	47360
8239.1 .....	41755(a)-(c)	8276.2(c), 1st, 3rd-6th sent. ....	47365
8239.2 .....	41660(b)	8276.2(c), 2nd sent. ....	47355(b)
8239.6 .....	41765	8276.2(d) .....	47375
8239.9 .....	41750	8276.3(a)-(b) .....	47150
8240 .....	41755(d)-(e)	8276.3(c) .....	47160
8241 .....	41740(j)	8276.4(a), 1st sent. ....	47800
8242 .....	41690	8276.4(a), 2nd sent., (a)(1)-(7) .....	47805
8243 .....	41685	8276.4(b) .....	47810
8244 .....	41695	8276.4(c) .....	47815
8245 .....	41700	8276.4(d) .....	47820
8245.5 .....	41705	8276.4(e) .....	47825
8246(a) .....	41785(a)	8276.4(f) .....	47830(a)
8246(b) .....	41785(b)	8276.4(g) .....	47010(a)
8246(c) .....	41785(c)	8276.4(h) .....	47010(b)
8246(d) .....	41785(e)	8276.4(h) .....	47835
8246.2(a) .....	41790	8276.5(a), 1st sent. ....	47610
8246.2(b) .....	41785(d)	8276.5(a), 2nd sent. ....	47615
8246.4 .....	41770	8276.5(a)(1)-(2) .....	47620

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8276.5(a)(3) .....	47625	8280.6(a) .....	47910
8276.5(a)(4) .....	47630	8280.6(b) .....	48355
8276.5(a)(5) .....	47635	8280.6(c) .....	48305
8276.5(a)(6) .....	47640	8280.6(c) .....	48360
8276.5(a)(7) .....	47645	8280.6(d) .....	47945
8276.5(a)(8) .....	not cont'd	8280.7 .....	48510
8276.5(b) .....	47650	8280.9 .....	48505
8276.5(c) .....	47830(b)	8281 .....	47015
8276.5(d) .....	47655	8282 .....	48650
8276.5(e)-(f) .....	47660	8283 .....	47455
8276.5(g) .....	47605	8284(a), 1st sent. ....	47450(a)
8276.5(h) .....	47600	8284(a), 2nd sent. ....	47460(a)
8276.5(i) .....	47665	8284(b)-(c) .....	48660
8277 .....	47305	8340 .....	46400
8278 .....	47070	8341 .....	46410
8279 .....	47055	8342 .....	46425
8279.1(a)-(e) .....	47155	8343 .....	46415
8279.1(f) .....	47160	8344 .....	50255
8280 .....	48500	8345 .....	50405
8280.1(a) .....	47900	8346 .....	46420
8280.1(b) .....	48100	8370 (salmon) .....	41495
8280.1(b)(1)-(2) .....	48105	8370 (striped bass) .....	39005
8280.1(b)(3) .....	48110	8370 (sturgeon) .....	43355
8280.1(b)(4)(A) .....	48115	8371(a)-(b) .....	39010
8280.1(b)(4)(B) .....	48120	8371(c)-(d) .....	41455
8280.1(b)(4)(C) .....	48125	8372 .....	39105
8280.1(b)(5) .....	48130	8373 .....	39555
8280.1(b)(6) .....	48135	8374 (bluefin tuna) .....	44455(a)
8280.1(c) .....	48145	8374 (yellowfin tuna) .....	44470
8280.1(d) .....	48100	8375 .....	44455(b)
8280.1(e) .....	not cont'd	8376 .....	44450
8280.1(f) .....	48140	8377 .....	44460(b)
8280.1(g)(1) .....	47930	8377.5 .....	44460(a)
8280.1(g)(2) .....	47935	8378 .....	44465
8280.1(h) .....	47945	8380 .....	39100
8280.1(h) .....	48150	8381 .....	39655
8280.2(a)-(d) .....	47925	8382 (barracuda) .....	38755(b)
8280.2(e), 1st sent. ....	47920	8382 (yellowtail) .....	44755(b)
8280.2(e), 2nd-4th sent. ....	47915	8383.5 .....	39050
8280.2(f) .....	47945	8384 (barracuda) .....	38755(c)
8280.3(a) .....	48300	8384 (yellowtail) .....	44755(c)
8280.3(b) .....	48310	8385 .....	21950
8280.3(c) .....	48315	8386 (barracuda) .....	38755(a)
8280.3(d) .....	48320	8386 (yellowtail) .....	44755(a)
8280.3(e) .....	48325	8387 .....	44760
8280.3(f) .....	48330	8388(a) .....	42805
8280.3(g)(1) .....	48340	8388(b) .....	42800
8280.3(g)(2) .....	48335	8388(c) .....	42810(a)
8280.3(h) .....	48345	8388(d) .....	42810(b)
8280.3(i) .....	48350	8388.5 .....	42905
8280.3(j) .....	48360	8389(a), 1st sent. ....	40500
8280.4(a) .....	47905	8389(a), 2nd sent. ....	40505
8280.4(b) .....	47945	8389(b) .....	40510(a)
8280.5(a)-(e) .....	47940	8389(c) .....	40510(b)
8280.5(f) .....	47945	8389(d) .....	40515

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8391	39900	8490	49005
8392	39905	8491	49015
8393(a)	40755	8492	49020
8393(b)	40760	8494(a)	39950
8394	43655(a)	8494(b)	39955(a)
8394.5	43655(b)	8494(c)	39955(b)
8395	43555	8494(d)	39960
8398	15100	8494(e)	39965
8399	51400	8494(f)	39970
8399.1	51405	8494(g)	39980
8400	15105	8494(h)	39975
8403(a)	38360	8495(a)	40100
8403(b), 1st sent.	19510(a)	8495(b)-(d)	40105
8403(b), 2nd sent.	19510(b)	8495(e)	40110
8403(c)	19505	8496	40115
8405	50505	8497	40120
8405.1	50510	8500	45010
8405.2	50515	8510	49205
8405.3	50520	8550, 1st sent.	40350(a)
8405.4	50525	8550, 2nd-3rd sent.	40355
	40610	8550.5	40360
8412	40605	8552(a), 1st sent.	40350(b)
8420	51450	8552(a), 2nd sent.	40375
8424	51455	8552(a), 2nd sent.	40380
8425(a)	51460	8552(b)-(e)	40365
8425(b)	51465	8552.1	40400
8428	51470	8552.2	40380
8429, 1st sent.	51475	8552.3	40385
8429, 2nd sent.	51480	8552.4	40395
8429.5	51485	8552.5	40445
8429.7	51490	8552.6	40375
8430	44105(a)	8552.7	40390
8431	44200(a)-(b)	8552.8	40370
8432	44200(c)	8553	40455
8433 (Dist. 2670, Smith R.)	15150(b)	8554	40405
8433 (Dolly Varden, steelhead)	44200(d)	8555	40410
8433 (trout)	44105(b)	8556	40415
8434	15150(a)	8557	40420
8435	39410	8558	40425
8436	20105(a)	8558.1(a), 1st-2nd sent.	40430
8436.5	20105(b)	8558.1(a), 3rd sent.	40435(c)
8437	20100(a)	8558.1(b)	not cont'd
8437.1	20100(b)	8558.2	40435(a)-(b)
8460	500	8558.3	40435(d)
8460, 1st para.	22100(a)	8559	40440
8460, 2nd para.	22105	8561	18300
8460, 2nd para.	22115	8561.5	18305
8460, 3rd para.	22100(b)	8562	18310
8460, 4th para.	14200(c)	8563	18315
8460, 4th para.	21920(b)	8564	18320
8460, 4th para.	22200(c)	8567	18325
8461	22110	8568	18330
8462	22120	8568.5	18335
8463	22125	8569	18340
8475	46405	8573	18345

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8574 .....	18350	8606(d) .....	not cont'd
8575 .....	18355	8606.1 .....	16100
8575.5 .....	18360	8607 .....	38355
8576 .....	18365	8608 .....	15305
8576.5 .....	18370	8609 .....	16805
8577 .....	18375	8610.1 .....	16850.1
8579 .....	18380	8610.11 .....	16850.11
8580 .....	18385	8610.12 .....	16850.12
8581 .....	18390	8610.13 (all but refs to 8610.8) .....	16850.13
8582 .....	18395	8610.13 (refs to 8610.8) .....	not cont'd
8585 .....	22600	8610.14 .....	16850.14
8585.5 .....	22605	8610.15 .....	16850.15
8586 .....	22610	8610.16 .....	16850.16
8586.1 .....	22625	8610.2 .....	16850.2
8587 .....	22630	8610.3 .....	16850.3
8587.1 .....	22620	8610.4 .....	16850.4
8589 .....	22615	8610.5 .....	16850.5
8589.5 .....	22640	8610.6 .....	16850.6
8589.7 .....	22635	8610.9 .....	16850.9
8590 .....	50955	8614 .....	19905
8591 .....	51005	8615 .....	19910
8593 .....	51000	8623(a)-(b), (e) (barracuda) .....	38760
8594 .....	51050	8623(a)-(b), (e) (white sea bass) .....	39055
8595(a) .....	51100(a)	8623(a)-(b), (e) (yellowtail) .....	44765
8595(a) .....	51015(b)	8623(c)-(d) .....	18500
8595(b) .....	51015(d)	8625(a)-(c) .....	18505
8596 .....	20700	8625(d) .....	not cont'd
8597(a) .....	510	8626(a)-(c) .....	18510
8597(a) .....	20705	8626(d) .....	not cont'd
8597(b) .....	20710	8630, 1st para. ....	15400(a)
8597(c) .....	20715	8630, 1st para., 2nd sent. ....	19405(b)
8598 .....	20720	8630, 2nd para., 1st-3rd sent. ....	15420
8598.2 .....	20725	8630, 2nd para., 1st-3rd sent. ....	19425
8598.3(a), (c) .....	20730	8630, 2nd para., 4th-5th sent. ....	15425(b)
8598.3(b) .....	20735	8630, 2nd para., 4th-5th sent. ....	19430(b)
8598.4 .....	20740	8631 .....	15400(b)-(d)
8598.6 .....	20745	8632 .....	15405
8599 .....	42950	8632 .....	19410
8599.3 .....	42955	8633 .....	15410
8599.4 .....	42850	8633 .....	19415
8601 ("set line") .....	685	8634 .....	15425(a)
8601 ("set net") .....	690	8634 .....	19430(a)
8601.5(a) (set line) .....	18900(c)	8635 .....	15415
8601.5(a) (set net) .....	15600(a)	8635 .....	19420
8601.5(b), 1st-2nd sent. ....	15600(b)	8660 .....	15500
8601.5(b), 3rd sent. ....	15610(b)	8661 .....	15505
8601.5(b), 4th sent. ....	15610(c)	8663 .....	15515
8601.5(c) .....	15610(a)	8664 .....	15520
8601.6(a) .....	15605	8664.13 .....	17020
8601.6(b) .....	not cont'd	8664.5 .....	17000
8602 .....	15300	8664.67 .....	17005
8603 .....	14300	8664.7 .....	17010
8604 .....	14305	8664.8 .....	17015
8605 .....	1735	8665 .....	15510
8606(a)-(c) .....	19900	8666 .....	17025

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8667	15525	8780(a), 1st sent.	235
8668	15530	8780(a), 2nd sent.	15905
8669	15535	8780(a), 2nd sent. (Dist. 2625)	15760(e)
8670	15540(a)	8780(a), 2nd sent. (Dist. 2630)	15765(c)
8680	18000	8780(a), 2nd sent. (Dist. 2635)	15770(c)
8681	18005	8780(a), 2nd sent. (Dist. 2640)	15775(d)
8681.5	18010	8780(b)	15910
8681.7	18015	8780(c)-(d)	15915
8682	18020	8780.1	15900
8683	18025	8800	240
8684	18030	8801 (Dist. 2505)	16000
8685	18035	8801 (Dist. 2525)	16005
8685.5	18040	8801 (Dist. 2540)	16010
8685.6	18045	8802 (Dist. 2580)	16015
8685.7	18050	8802 (Dist. 2585)	16020
8686	18055	8803	16025
8687	18060	8804	16030
8688	18065	8805 (Dist. 2600)	16035
8691	18070	8805 (Dist. 2605)	16040
8692	18075	8806	16045
8692.5	18080	8807	16050
8693	18085	8830, 1st sent.	765
8694	18090	8830, 2nd sent.	16105(a)
8696	18095	8831	16150
8700	18100	8832	16350
8720	18200	8832	16650
8721	18205	8833 (Dist. 2550)	16250
8724	18210	8833 (Dist. 2625)	16280
8725	18215	8833 (Dist. 2630)	16285
8750	675	8833 (Dist. 2635)	16290
8751	15700	8833 (Dist. 2640)	16295
8751	15705	8833 (Dist. 2645)	16300
8751	15710	8833 (Dist. 2650)	16305
8752	15715	8834	47000
8752	15720	8834.1	41490
8752	15725	8834.5	47065
8752	15730	8835 (Dist. 2570)	16255
8752	15735	8835 (Dist. 2575)	16260
8752	15740	8835 (Dist. 2590)	16265
8754	15745	8836 (Dist. 2615)	16270
8754	15750	8836 (Dist. 2620)	16275
8754	15755	8836 (Dist. 2685)	16310
8754	15760(a)-(c)	8837	16155
8755	15775(a)	8840	16175
8755	15775(b)	8841(a)-(c)	16110(a)-(c)
8755	15780	8841(d)	16105(b)
8755	15785	8841(e)	16110(d)
8756 (Dolly Varden, steelhead)	44205	8841(f)	16160(a)
8756 (salmon)	41485	8841(g)	51010(a)-(b)
8756 (shad)	42505	8841(h)	16165(a)
8756 (striped bass)	39000	8841(i)	16160(b)
8757 (Dist. 2625)	15760(d)	8841(i)	16165(b)
8757 (Dist. 2630)	15765(a)-(b)	8841(i)	16170(b)
8757 (Dist. 2635)	15770(a)-(b)	8841(i) (Dist. 2540)	16110(g)
8757 (Dist. 2640)	15775(c)	8841(i) (shrimp & prawns)	51010(c)

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
8841(j)-(k).....	16010(e)-(f)	9011(a)(1).....	47450(a)
8841(l).....	16170(a)	9011(a)(2).....	47450(b)
8842(a), 1st para. ....	51100(a)	9011(a)(3).....	47460(b)
8842(a), 2nd para. ....	51100(b)	9011(b).....	48655
8842(b).....	51105(a)	9011(c).....	47465
8842(c), 1st sent. ....	51110	9012(a).....	47005
8842(c), 2nd sent. ....	40125	9012(b).....	47450(c)
8842(c), 3rd sent. ....	51115	9015(a).....	51015(a)
8842(d).....	51105(b)	9015(b).....	51015(c)
8843.....	16355	9020(a).....	19605
8870.....	16400	9020(b).....	19610
8870(a) (Dist. 2505).....	16450	9022(a).....	19515
8870(a) (Dist. 2515).....	16455	9022(b).....	19510(a)
8870(a) (Dist. 2525).....	16460	9023.....	39305
8870(a) (Dist. 2540).....	16465	9024.....	49010
8870(a) (Dist. 2550).....	16470	9025.1.....	18700
8870(b).....	16475	9025.5(a).....	18950
8870(c).....	16480	9025.5(a) (Dist. 2595).....	19015(a)
8890 (Dist. 2620).....	16550	9025.5(a) (Dist. 2620).....	19040
8890 (Dist. 2625).....	16555	9025.5(a) (Dist. 2570).....	19000
9000(a)-(b).....	19200	9025.5(a) (Dist. 2575).....	19005
9000(c).....	19600	9025.5(a) (Dist. 2590).....	19010(a)
9000.5(a).....	255	9025.5(a) (Dist. 2610).....	19030
9000.5(b).....	330	9025.5(a) (Dist. 2615).....	19035
9000.5(c).....	470	9025.5(a) (Dist. 2625).....	19045
9000.5(d).....	490	9025.5(a) (Dist. 2630).....	19050
9000.5(e).....	560	9025.5(b).....	770
9000.5(f).....	630	9025.5(c) (Dist. 2590).....	19010(b)
9001.....	19205	9025.5(c) (Dist. 2595).....	19015(b)
9001.6.....	39755	9025.5(c) (Dist. 2600).....	19020
9001.7(a)-(j).....	19500	9025.5(c) (Dist. 2605).....	19025
9001.7(k).....	49610	9026.....	18900(a)-(b)
9001.8.....	40905	9027 (Dist. 2570).....	18800(c)
9002(a).....	19300(a)	9027 (Dist. 2575).....	18805(c)
9002(b).....	19305	9027 (Dist. 2590).....	18810(c)
9002(c).....	19300(b)	9027.5 (Dist. 2615).....	18815(c)-(d)
9002(d).....	19310	9027.5 (Dist. 2620).....	18820(c)-(d)
9002.5.....	19315	9027.5 (Dist. 2625).....	18825(c)-(d)
9003.....	19210	9028.....	18705
9004.....	19215	9029 (Dist. 2570).....	18800(a)-(b)
9004.....	19220	9029 (Dist. 2575).....	18805(a)-(b)
9005.....	19225	9029 (Dist. 2590).....	18810(a)-(b)
9006.....	19230	9029 (Dist. 2615).....	18815(a)-(b)
9007.....	19400	9029 (Dist. 2620).....	18820(a)-(b)
9008.....	19405(a)	9029 (Dist. 2625).....	18825(a)-(b)
9008.....	19405(b)	9029.5, 1st, 3rd sent. (Dist. 2575).....	18805(d)
9008.....	19410	9029.5, 1st, 3rd sent. (Dist. 2590).....	18810(d)
9008.....	19415	9029.5, 2nd sent. (“set line”).....	685
9008.....	19420	9029.5, 2nd sent. (“vertical fishing line”).....	780
9008.....	19425	9050.....	19805
9008.....	19430(a)	9051.....	19810
9008.....	19430(b)	9052.....	19800
9010(a).....	49700	9053 (crustaceans).....	45305
9010(b).....	49710(b)	9053 (mollusks).....	45405
9010(c)-(e).....	49705	9054, 1st sent.....	50705(a)

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
9054, 2nd sent. ....	50710	10660 .....	58630
9054, 3rd sent.....	50705(c)	10661 .....	59675
9054, 4th sent.....	50705(d)	10662 .....	59180(a)
9055 .....	50705(b)	10663 .....	59180(b)
9100 .....	15000	10664 (Doheny Beach).....	59830
9101 .....	15005	10664 (Irving Coast) .....	59905
10000 .....	43250	10664 (Laguna Beach) .....	59955
10001, 1st sent. ....	43255	10664 (Newport Beach) .....	59980
10001, 2nd sent.....	43260	10664 (Niguel) .....	60005
10002 .....	43265	10664 (Point Fermin) .....	60030
10003 .....	43270(a)	10664 (South Laguna Beach) .....	60080
10004 .....	43270(b)	10665, 1st para. ....	59280
10005 .....	43275	10665, 2nd para. ....	59285
10500(a)-(b).....	58700(a)	10666 .....	59930
10500(c) .....	58550(a)	10667(a) .....	59785
10500(d).....	59500(a)	10667(b), 1st sent. ....	59790
10500(e).....	60200(a)	10667(b), 2nd-4th sent. ....	59795(a)
10500(f) .....	59600(a)	10667(c) .....	59800
10500(g).....	60300(a)	10667(d) .....	59795(b)
10501 .....	34450	10667(e), 1st sent. ....	59795(c)
10501.5 .....	58530	10667(e), 2nd sent. ....	59795(d)
10502(a) (fish refuge) .....	58555	10680 .....	4900
10502(a) (game refuge) .....	58710	10681 .....	4905
10502(b)-(d).....	58500	10682 .....	4910
10502.5, 1st sent. ....	59855	10683 .....	4915
10502.5, 2nd sent. ....	59865(c)	10684 .....	4920
10502.6 .....	59780	10685 .....	4925
10502.7 .....	59655	10711 .....	60325
10502.8 .....	59705	10740 .....	60950
10503(a)-(c) .....	58505	10741 .....	60955
10503(d).....	58715(a)	10770 .....	59425
10504 .....	58715(b)	10771 .....	59450
10505 .....	58715(c)	10801 .....	58625
10506 .....	58720	10820 .....	58800(a)
10507 .....	58725	10821 .....	58825
10508 .....	58515	10822 .....	58850
10509 .....	59400	10823 .....	58875
10510 .....	58520	10824 .....	58900
10511 .....	58525	10825 .....	58925
10512 .....	58730	10826 .....	58950
10513 .....	58705	10827 .....	58975
10514 .....	58735	10828 .....	59000
10650 .....	59305	10829 .....	59025
10651 .....	59310	10830 .....	59050
10652 .....	59315	10831 .....	59075
10653 .....	59455	10832 .....	59100
10654 .....	59460	10833 .....	59300
10655 .....	59715	10835 .....	59125
10655.5 .....	59710	10836 .....	59150
10656 .....	59670	10837 .....	59175
10657 .....	59865(a)-(b)	10838 .....	59200
10657.5, 1st para.....	59860	10840 .....	59225
10657.5, 2nd para. ....	59865(d)	10841 .....	59350
10658 .....	60055	10842 .....	59275
10659 .....	59230	10843, 1st para. ....	59250

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
10843, 2nd para. ....	59255	11033 .....	2655
10844 .....	58740	11034 .....	2660
10860 .....	59525	11035 .....	2665
10861 .....	59550	11036, 1st-3rd para.....	2670
10880 .....	60225	11036, 4th para.....	69250
10881 .....	60250	11037 .....	2675
10900 .....	59625	11038 .....	2680
10901 .....	59850	11039 .....	2685
10902 .....	60050	12000(a) .....	4400(a)
10903 .....	59650	12000(b)(1).....	8130(c)
10904 .....	59950	12000(b)(2).....	not cont'd
10905 .....	59975	12000(b)(3).....	45700(d)
10906 .....	60075	12000(b)(4)-(12).....	4410
10907 .....	59775	12001 .....	10110(d)
10908 .....	59825	12001.5 (bear parts).....	33465
10909 .....	59925	12001.5 (bear) .....	33205(b)
10910 .....	60025	12001.5 (deer) .....	34200(b)
10911 .....	60000	12001.5 (duck and goose) .....	30505(b)
10912 .....	59900	12001.5 (hunting w/o license) .....	9500(b)
10913 .....	59750	12002(a) .....	4400(b)
10925 .....	13950	12002(b)(1).....	3360(c)
10930 .....	34060	12002(b)(2).....	11020(c)
10931 .....	34065	12002(b)(3) (abalone) .....	45700(d)
10932 .....	59700	12002(b)(3) (burro) .....	34055(d)
11000 .....	2500	12002(b)(4).....	66600
11001 .....	2505(a)	12002(b)(5).....	15540(b)
11002 .....	2510	12002(b)(6) (clam refuge) .....	60300(b)
11003 .....	2515	12002(b)(6) (fish refuge).....	58550(b)
11004 .....	2520	12002(b)(6) (game refuge) .....	58700(b)
11005 .....	2525	12002(b)(6) (marine life refuge) .....	59600(b)
11006 .....	2530	12002(b)(6) (quail refuge).....	60200(b)
11007 .....	2535	12002(b)(6) (waterfowl refuge) .....	59500(b)
11008 .....	2540	12002(b)(7).....	8400(c)
11009 .....	2545	12002(c) (bird nest & eggs) .....	28905(b)
11010 .....	2550	12002(c) (bird of prey) .....	30110(b)
11011 .....	2555	12002(c) (migratory nongame bird) .....	29855(b)
11012 .....	2560	12002(c) (nongame bird).....	29850(b)
11013 .....	2565	12002(d) .....	4415
11014 .....	2570	12002.1 .....	9900
11015 .....	2575	12002.10 .....	45860
11016 .....	2580	12002.11 .....	10830(e)
11017 .....	2585	12002.2 .....	13300
11018 .....	2590	12002.2.1 .....	13305
11019 .....	2595	12002.3 .....	13610
11020 .....	2600	12002.4 .....	21945
11022 .....	2605	12002.5 .....	56035
11024 .....	2610	12002.6 .....	14950
11025 .....	2615	12002.7, 1st-2nd para. ....	21940
11026 .....	2620	12002.7, 3rd para.....	535
11027 .....	2625	12002.8(a)-(c).....	45865
11028 .....	2630	12002.8(d)-(e) (anchovies).....	38565
11029 .....	2635	12002.8(d)-(e) (halibut).....	40050
11030 .....	2640	12002.8(d)-(e) (herring) .....	40450
11031 .....	2645	12002.8(d)-(e) (rock crab).....	48800
11032 .....	2650	12002.8(d)-(e) (salmon) .....	41500

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
12002.8(d)-(e) (sardines) .....	42270	12020 .....	4420
12002.8(f) .....	535	12021 .....	4425
12002.9 .....	20240	12023 .....	25500
12003 .....	15540(c)	12024 .....	25505
12003.1 .....	8400(a)-(b)	12025(a) .....	4705
12003.2		12025(b) .....	4710
(fully prot. mammal).....	32700(c)	12025(c) .....	4715(a)
12003.2 (marine mammal).....	32500(c)	12025(d) .....	4715(b)
12003.5 .....	16850.13	12025(d) .....	4720
12004 .....	18250	12025(e)-(f) .....	4725
12005 .....	33460	12025(g) .....	4715(c)
12005.5 (body-gripping trap).....	11110(b)	12025(h) .....	4700
12005.5 (sodium cyanide) .....	8140(b)	12025.1(a) .....	68110
12006(a)(1) .....	43150(c)	12025.1(b), 1st part .....	68115
12006(a)(2) .....	49500(f)	12025.1(b), 2nd part .....	68120
12006(b) (lobster) .....	49500(g)-(i)	12025.1(c), 1st part.....	68115
12006(b) (sturgeon) .....	43150(d)-(f)	12025.1(c), 2nd part .....	68125
12006.6 .....	45855	12025.1(d) .....	68130
12007 (diseased aquatic org.) .....	24540(c)	12025.1(e), 1st part.....	68135
12007 (diseased aquatic org.) .....	28100(b)	12025.1(e), 2nd part .....	68140
12007 (fish planting).....	25415(b)	12025.1(f), 1st part .....	68135
12007 (import aquatic org.) .....	24705(b)	12025.1(f), 2nd part.....	68145
12007 (import aquatic org.) .....	28110(e)	12025.1(g) .....	68150
12007 (planting aquatic org.).....	23800(c)	12025.2 .....	69550
12007 (quarantined aquatic org.) .....	24545(b)	12026 .....	25510
12007 (streambed alteration) .....	70275	12028 .....	4310
12007 (white bass) .....	38870(b)	12029(a) .....	72200
12008(a) .....	64150	12029(b) .....	72205
12008(b).....	30200(c)	12029(c) .....	72210
12008(c).....	32700(c)	12029(d) .....	72215
12008(d) (fully prot. amph.) .....	52200(e)	12150 .....	10110(a)-(c)
12008(d) (fully prot. reptile).....	53000(e)	12150.5 .....	10115
12008(e) .....	38200(e)	12150.6 .....	10130
12008.1(a) .....	64155	12150.7 .....	10135
12008.1(b).....	64160	12150.8 .....	10140
12008.5 .....	35950	12151 .....	10120
12009 .....	45850	12151.5 .....	10105
12010 .....	30110(b)	12152 .....	10125
12011 .....	66605	12153 .....	14660
12012 .....	8100	12154 .....	8505
12013(a)-(b), (d)-(g) .....	8105	12155 .....	9910
12013(c), (g) .....	8110	12155.5 .....	8515
12013.3 (antelope) .....	33050	12156 .....	11240
12013.3 (deer).....	34700	12156.5 .....	9010
12013.3 (elk).....	35100	12157 .....	8630
12013.3 (sheep).....	35955	12157.5 .....	8635
12013.3 (turkey) .....	31105	12158 .....	8500
12013.5 .....	33470	12158.5 .....	3100
12014 .....	3105	12159 .....	8600
12015 .....	66705	12159.5 (egret) .....	32700(d)
12016 .....	66715	12159.5 (fully prot. amph.) .....	52200(f)
12017(a)(1) .....	8450(g)	12159.5 (fully prot. birds) .....	30200(d)
12017(a)(2)-(6) .....	67505(b)	12159.5 (fully prot. fish) .....	38200(f)
12017(b).....	67510	12159.5 (fully prot. reptile) .....	53000(f)
12017(c)-(f).....	67515	12160 .....	8615

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
12161	8620	15007(a), 2nd sent.	24960(b)
12162	8605	15007(a), 3rd sent.	24950(a)
12163	8625	15007(b)	24950(b)
12164	9905	15007(c)	24960(c)
12165	9005	15007(d)	24965
12166	8510	15007(e)	24970
13000	3500(a)	15007(f)	24955
13001(a)	3600	15008	23360
13001(b)	3810	15100	23365
13001.5	3505	15101(a)	23605(a)
13002	3605	15101(b), 1st sent.	23605(b)
13003	3610	15101(b), 1st sent.	23700
13005	9105	15101(b), 1st sent.	23610
13006	3805	15101(b), 2nd, 4th sent.	23700
13007(a), 1st sent.	12000	15101(b), 3rd sent.	23600
13007(a), 2nd sent., (b)-(g)	12005	15101(c)	23605(c)
13010	67500	15101(d)	23700(d)
13011	67505(a)	15102	23805
13012	67520	15103	23705
13013	67525	15103	23720
13014(a)	58050	15104	23710
13014(b)	58055	15105	23715
13014(c)-(d)	58060	15200, 1st sent.	23800(a)
13100	3900	15200, 2nd sent.	23815
13101	3905	15201	23810
13102	3910	15202	23800(b)
13103	3915	15300	23900
13104	3920	15301(a)	23910
13200	3510	15301(b)	23905(a)
13201	3515	15301(c)	23905(b)
13202	3520	15400(a)	24000
13203	3525	15400(b), 1st sent.	24005
13205	31935	15400(b), 2nd sent.	24010
13220	3750	15400(c)	24015
13230	67530	15400(d)	24020
13231	67535	15401	24100(c)
14000	5900	15402	24310
14001	5905	15403, all except last sent.	24100(a)-(b)
14002	5910	15403, last sent.	24305
14100	5950	15404	24105
14101	5955	15405	24200
14102	5960	15406	24210
14103	5965	15406.5(a), 1st sent.	24115(a)
14104	5970	15406.5(a), 2nd sent.	24220(a)
14105	5975	15406.5(a), 3rd sent.	24115(b)
15000(a)	23305	15406.5(b)	24115(c)
15000(b)-(d)	23350	15406.7	24220(b)-(d)
15001	23915	15407	24300
15002	24900	15408	24320(a)
15003	23820	15409	24320(b)-(e)
15004(a)-(b)	23505	15410	24205
15004(c)	23500	15411	24315
15005	23355	15412	24325
15006	23300	15413	24400
15007(a), 1st sent.	24960(a)	15414	24215

<i>Existing Provision</i>	<i>Proposed Provision(s)</i>	<i>Existing Provision</i>	<i>Proposed Provision(s)</i>
15415 .....	24110	15514 .....	24610
15500 .....	24500	15516 .....	24615
15501 .....	24505	15600(a) .....	24705(a)
15502 .....	24510	15600(b) .....	24710
15503 .....	24515(a)	15601 .....	24715
15504 .....	24515(b)	15604 .....	24720
15505 .....	24520	15605 .....	24700
15506 .....	24525	15700 .....	24800
15507 .....	24530	15701(a) .....	24805
15508 .....	24535	15701(b) .....	24810
15509 .....	24545(a)	15702 .....	24820
15510 .....	24540(a)-(b)	15703 .....	24815
15512 .....	24600		
15513 .....	24605		

---



## DERIVATION OF PROPOSED LAW

The table below shows the relationship between each provision of the Fish and Wildlife Code and the corresponding provision of existing law.

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
1(a).....	1	355.....	41
10(a).....	3, 1st sent.	360.....	43
25.....	3, 2nd sent.	365.....	93
30.....	4	370.....	3514
35(f)-(g).....	73	380.....	45
40.....	5	385.....	8036(a)
45.....	6	390.....	8034
50, 1st sent. ....	7	395.....	8033
55.....	8	400.....	8033.5(a)
60.....	9	405.....	8035
65.....	10	410.....	94
70.....	11	415.....	5050(b)(3)-(5)
75.....	13	420.....	3511(b)
80.....	79	425.....	5515(b)
85.....	64	430.....	4700(b)
90.....	2013	435.....	4000 (“fur bearing mammal”)
95.....	80	440.....	5050(b)(1)-(2)
200.....	2	450.....	3500(c)
205.....	13.5	460(a)(1)-(4), (6)-(9).....	3950(a)
210.....	16	460(a)(5).....	3950(b)
215.....	14	460(b)-(c).....	3950.1
220.....	15	470.....	9000.5(c)
225.....	17	475.....	46
230.....	18	478.....	1930.5(f)(1)
235.....	8780(a), 1st sent.	480.....	48
240.....	8800	485.....	51
245.....	22	490.....	9000.5(d)
250.....	3003.1(a), 2nd-3rd sent.	495.....	8100
255.....	9000.5(a)	500.....	8460
260.....	24	505.....	54
265.....	90.5	510.....	8597(a)
270.....	27	515.....	8033.1(a)
275.....	29	520.....	54.5
280.....	7850	525.....	96
280.....	8040(a)	530.....	4500(c) (“marine mammal”)
290.....	8031(a)(4)	535.....	12002.7, 3rd para.
295.....	7920, 1st, 3rd sent.	535.....	12002.8(f)
300.....	7920, 1st, 3rd sent.	540.....	96.5
305.....	30, 1st cl.	545.....	3500(b)
310.....	30, 2nd cl.	550.....	55
315.....	32	555.....	7261
320.....	33	557.....	1901, 2nd sent.
325.....	35, 1st cl.	560.....	9000.5(e)
330.....	9000.5(b)	565.....	56
335.....	37	570.....	3800(a), 1st sent.
340.....	90.7	575(a).....	4150, 1st sent.
345.....	39	575(b).....	4151
350.....	91	580.....	57

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
585 .....	60	940 .....	107
590 .....	61	1000 .....	200(a), (b)(1), (b)(2), 1st sent., (c)
595 .....	62	1005 .....	201
600 .....	97	1010 .....	203
605 .....	97.5	1015 .....	205
610 .....	98	1020 .....	203.1
615 .....	98.2	1025 .....	219
620 .....	67	1100 .....	250
625 .....	98.5 (“population”)	1105 .....	255
630 .....	9000.5(f)	1110 .....	260
635 .....	19	1115 .....	265
640 .....	711.2(a)	1120 .....	270
645 .....	68	1125 .....	275
650 .....	4005(a), 2nd sent.	1200 .....	108
655 .....	89	1205 .....	301
660 .....	70	1250 .....	399
665 .....	3500(a)	1300 .....	309(a)
670 .....	99	1305 .....	309(b)
675 .....	8750	1500 .....	700
680 .....	75	1505 .....	702
685 .....	8601 (“set line”)	1510 .....	703(a)
685 .....	9029.5, 2nd sent. (“set line”)	1515 .....	701
690 .....	8601 (“set net”)	1520 .....	701.3
695 .....	81	1525 .....	704
700 .....	82	1530 .....	706
705 .....	200(b)(2), 3rd sent.	1600 .....	850
710 .....	8250	1605(a) .....	707
720 .....	200(b)(2), 2nd sent.	1605(b) .....	711.2(b)
725 .....	9.2	1610 .....	857
730 .....	7700(d)	1615 .....	858(a)
735 .....	83	1700 .....	1001
740 .....	89.1	1705 .....	1004
745 .....	98.5 (“stock”)	1710 .....	1007
750 .....	99.5	1715 .....	1006
755 .....	86	1720 .....	1008
760 .....	88	1725 .....	1015
765 .....	8830, 1st sent.	1730 .....	1502
770 .....	9025.5(b)	1735 .....	8605
775 .....	3683	1740 .....	1017
780 .....	9029.5, 2nd sent. (vertical fishing line)	1745 .....	1000
785 .....	7601	1750 .....	1005
790 .....	89.1	1755 .....	1005.5
795 .....	35, 2nd cl.	1900 .....	1226(b)
800 .....	89.5	1905 .....	1227
805 .....	1930.5(f)(2)	1910 .....	715
810 .....	1504(d)	1915(a)-(b) .....	701.5
810 .....	1506(a)(3)	1915(c) .....	711.2(b)
900 .....	101	2000 .....	1745(a)
905 .....	101.5	2005 .....	1745(b)(1)
910 .....	102	2010 .....	1745(b)(2)
915 .....	103	2015 .....	1745(c), (d)
920 .....	110	2020 .....	1745(e)-(g)
925 .....	105	2025 .....	1745(h)
930 .....	106	2030 .....	1745(j)
935 .....	104	2035 .....	1745(i)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
2040 .....	1745.1	2905 .....	1050(a)
2100 .....	1019	2910 .....	1050(c)
2105 .....	1009	2915 .....	1050.6
2110 .....	1010	2920 .....	1054(b)
2200 .....	1011	2920 .....	1054(c)
2205 .....	1012	2925 .....	1050.3
2210 .....	1013	2930 .....	1053.1(a)
2300 .....	1054(a)	2935 .....	1061(a)-(e)
2300 .....	1054(c)	2940 .....	1054.8
2400 .....	703.5	3000 .....	1050(d)
2405 .....	1020	3005 .....	1050(f)
2410 .....	703.3	3010 .....	1050.5
2500 .....	11000	3050 .....	1052
2505(a) .....	11001	3100 .....	12158.5
2510 .....	11002	3105 .....	12014
2515 .....	11003	3200 .....	1055.1(a)-(b)
2520 .....	11004	3205 .....	1055.1(g)
2525 .....	11005	3210 .....	1055.3
2530 .....	11006	3250(a) .....	1055.1(c), 1st sent.
2535 .....	11007	3250(b) .....	1055.1(c), 3rd-4th sent.
2540 .....	11008	3250(c) .....	1055.1(c), 2nd sent.
2545 .....	11009	3255(a) .....	1055.6(a)
2550 .....	11010	3255(b) .....	1055.6(b)
2555 .....	11011	3255(c) .....	1055.6(d)
2560 .....	11012	3260 .....	1065
2565 .....	11013	3350 .....	1055.1(d)-(f)
2570 .....	11014	3355 .....	1055.6(c)
2575 .....	11015	3360(a)-(b) .....	1059
2580 .....	11016	3360(c) .....	12002(b)(1)
2585 .....	11017	3365 .....	1057
2590 .....	11018	3370 .....	1056
2595 .....	11019	3375 .....	1058
2600 .....	11020	3450 .....	710
2605 .....	11022	3455 .....	710.5
2610 .....	11024	3460 .....	710.7
2615 .....	11025	3465 .....	711
2620 .....	11026	3470 .....	712
2625 .....	11027	3500(a) .....	13000
2630 .....	11028	3500(b) .....	12
2635 .....	11029	3505 .....	13001.5
2640 .....	11030	3510 .....	13200
2645 .....	11031	3515 .....	13201
2650 .....	11032	3520 .....	13202
2655 .....	11033	3525 .....	13203
2660 .....	11034	3600 .....	13001(a)
2665 .....	11035	3605 .....	13002
2670 .....	11036, 1st-3rd para.	3610 .....	13003
2675 .....	11037	3650 .....	1225
2680 .....	11038	3655 .....	1226(a)
2685 .....	11039	3660 .....	859
2805 .....	1050(b)	3665 .....	1050.8
2810 .....	1051	3670 .....	860
2815 .....	1050.1	3750 .....	1050(e)
2820 .....	1052.5	3750 .....	13220
2900 .....	1054.5	3755 .....	713

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
3805	13006	5010	393
3810	13001(b)	5050	391
3900	13100	5100	375
3905	13101	5200	716
3910	13102	5205	716.1
3915	13103	5210	716.2
3920	13104	5300	716.3, intro.
4100	851	5305	716.3(a)
4105	856	5310	716.3(b)
4110	853	5315	716.3(c)
4115	854	5320	716.3(d)
4120	858(b)	5325	716.3(e)
4200	875	5330	716.3(f)
4205	877	5335	716.3(g)
4210	876	5340	716.3(h)
4215	878	5345	716.3(i)
4220	879	5350	716.3(j)
4225	880	5355	716.3(k)
4230	881	5360	716.3(l)
4235	882	5365	716.3(m)
4300	2586(a)	5370	716.3(n)
4300	2586(b)	5375	716.3(o)
4305	855	5380	716.3(p)
4310	12028	5385	716.3(q)
4315	702.1	5390	716.3(r)
4320	856.5	5395	716.3(s)
4400(a)	12000(a)	5400	716.3(t)
4400(b)	12002(a)	5450	716.4
4405	2020	5500	716.5
4410	12000(b)(4)-(12)	5550	716.6
4415	12002(d)	5600	716.7
4420	12020	5650	716.8
4425	12021	5700	716.9
4700	12025(h)	5750	717
4705	12025(a)	5800	717.1
4710	12025(b)	5805	717.2
4715(a)	12025(c)	5900	14000
4715(b)	12025(d)	5905	14001
4715(c)	12025(g)	5910	14002
4720	12025(d)	5950	14100
4725	12025(e)-(f)	5955	14101
4800	400	5960	14102
4805	401	5965	14103
4850	3450	5970	14104
4855	3451	5975	14105
4860	3452	8000	2000
4865	3453	8005	2000.5
4900	10680	8010	2002
4905	10681	8015	2001
4910	10682	8100	12012
4915	10683	8105	12013(a)-(b), (d)-(g)
4920	10684	8110	12013(c), (g)
4925	10685	8115	2003
5000	390	8120	2004
5005	392	8125	2005

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
8130(a)-(b), (d)-(e)	2009(a), (c)-(f)	9310(a)	2581
8130(c)	2009(b)	9310(b)	500(d), 2nd sent.
8130(c)	12000(b)(1)	9310(b)	2586(b)
8135	2018	9310(c)	2583(b)
8140(a)	3003.2	9315	2584(a)
8140(b)	12005.5 (sodium cyanide)	9320	2583(a), 1st sent.
8145	5500	9325	2583(a), 2nd-3rd sent.
8300(a)	1054.2	9330	2584(b)-(h)
8305	2012	9335	2585
8400(a)-(b)	12003.1	9340	2587(a)
8400(c)	12002(b)(7)	9345	2587(b)
8450(a)-(f), (h)	2014(a)-(e), (g)	9350	2588
8450(g)	2014(f)	9355	2589
8450(g)	12017(a)(1)	9360	500(a)-(c), (d), 1st sent.
8500	12158	9500(a)	3007
8505	12154	9500(b)	12001.5 (hunting w/o license)
8510	12166	9550	3002
8515	12155.5	9555	2010
8600	12159	9560	2007
8605	12162	9565(a)	3005(a)
8615	12160	9565(b)	3005(c)
8620	12161	9565(c)	3005(d)
8625	12163	9570	3003.5
8630	12157	9575	3003
8635	12157.5	9580	2016
8700	306	9585	3012
8705	307	9590	3000
8710(a)	314	9700	3004(a)
8710(b)	315	9705	3004(b)
8715	315.3	9710	3001
8720	308	9715	2006
8800	2535	9720	3008
8805	2536	9725	2011.5
8810	2537	9730	2019
8815	2539	9735	2011
8820	2542	9740	3005.5
8825	2543	9900	12002.1
8900	2538	9905	12164
8905	2540(a)-(b), (d)-(e)	9910	12155
8910	2540(c)	10000	3004.5(a)
8915	2541	10005(a)	3004.5(b)
8920	2544	10005(b)	3004.5(i)
8925	2545	10005(c)	3004.5(j)
9000	2546	10010	3004.5(c)
9005	12165	10015	3004.5(d)
9010	12156.5	10020	3004.5(e)
9100(a)-(h)	714	10025(a)	3004.5(g)
9100(i)	711.2(b)	10025(b)	3004.5(h)
9105	13005	10030	3004.5(f)
9150	312	10100	3009
9200	1002	10105	12151.5
9205	1002.5	10110(a)-(c)	12150
9210	1003	10110(d)	12001
9300	2580	10115	12150.5
9305	2582	10120	12151

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
10125 .....	12152	11110(a) .....	3003.1(a), 1st sent., (b)-(c)
10130 .....	12150.6	11110(b) .....	12005.5 (body-gripping trap)
10135 .....	12150.7	11150 .....	4004(a)
10140 .....	12150.8	11155 .....	4004(e)
10200 .....	3050	11200(a)-(b)(1) .....	4005(a), 1st sent.
10205 .....	1053.5	11200(b)(2)-(5) .....	4005(e)
10210 (two versions) .....	3031 (two versions)	11200(b)(6) .....	4005(c)
10215 .....	3031.5	11205 .....	4005(d)
10220 .....	3037	11210 .....	4005(b)
10225 .....	3031.2	11215(a) .....	4006(a)
10230 .....	3040	11215(b) .....	4006(c)
10300 .....	3033	11220 .....	4007
10305 .....	3038	11225 .....	4008
10310 .....	317	11230 .....	4006(b)
10350 .....	3061	11235 .....	4009.5
10355 .....	3060	11240 .....	12156
10360 .....	3062	11300 .....	4030
10365 .....	3063	11305 .....	4031
10400 .....	3049	11310 .....	4034
10405 .....	3051	11315(a)-(b) .....	4032
10410 .....	3052	11315(c) .....	4033
10415 .....	3053	11320 .....	4035
10420 .....	3054	11325(a) .....	4037
10500(a)(1)-(3) .....	325	11325(b) .....	4038
10500(a)(4) .....	329	11330 .....	4040
10500(b) .....	330	11335 .....	4041
10505(a) .....	326	11340 .....	4042
10505(b) .....	328, 1st sent.	11350 .....	4036
10510 .....	327	11355 .....	4043
10515 .....	328, 2nd sent.	11500 .....	5523
10600 .....	3240.5(a)	11505 .....	1124
10605 .....	3240.5(b)	11510 .....	5507
10610 .....	3240.5(c)-(d)	11515 .....	5508
10615 .....	3241	11520 .....	5509
10620 .....	3242	11525 .....	5503
10625 .....	3243.5	11530 .....	5505 (bait)
10630 .....	3245	11535 .....	5516
10635 .....	3246	11540 .....	5501
10700 .....	1575	11700 .....	1725
10800 .....	3080(a)	11705 .....	1726
10805 .....	3080(b)	11710 .....	1726.1
10810 .....	3080(c)	11715 .....	1726.4
10815 .....	3080(d)	11720 .....	1726.5
10820 .....	3080(e)	11725 .....	1727
10825 .....	3086	11730 .....	1728
10830(a)-(d) .....	3087	11735 .....	1729
10830(e) .....	12002.11	11740 .....	1730
11000 .....	4004(d)	11800 .....	6900
11005 .....	4004(f)	11805 .....	6910
11010 .....	4004(g)	11805(a) .....	6911
11015 .....	4009	11805(b) .....	6912
11020(a)-(b) .....	4004(c)	11810 .....	6901
11020(c) .....	12002(b)(2)	11815 .....	6902
11100 .....	3003.1(d)	11820 .....	6903
11105 .....	4004(b)	11825(a) .....	6920(a)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
11825(b)	6921	12625	7090(e)
11830	6920(b)	12630	7090(f)
11835	6924	12635	7090(g)
11840	6923	12640	7090(h)
11845	6922	12805	7100
11850	6930	12850	7149.05(a)
11900	2760	12900	7145(a)
11905	2761	12905(a)-(b)	7149.45(a)
11910	2762	12910	6403
11915	2762.2	12910(a)-(b)	6596.1(a), 1st, 3rd sent.
11920	2762.5	12950	7180.1(a)
11925	2762.6	12955	7180.1(a)
11930	2763	12955	7180.1(b)
11935	2764	12955	7180.1(c), 1st sent.
11940	2765	12960	7181.1(a)
12000	13007(a), 1st sent.	12965	7185
12005	13007(a), 2nd sent., (b)-(g)	13000	7145(a)
12100	7050	13005	7153(b)
12105	7051	13005	7153(a) (re public pier)
12150	7055	13010	7145(b)
12155	7056	13015	7153(a) (re aquaculture facility)
12160	7058	13020	7149.7
12165	7059	13100(a)	7149.05(a)
12200	7060	13100(b)	7149.05(d)
12205	7062	13100(c)	7149.05(e)
12250	7065	13105	7149.2
12255	7066	13110	7149.5
12300	7070	13150	7150
12305	7071(a)	13200	7151(a)-(c)
12310	7071(b)-(c)	13205	7151(d)
12315	7072(a)-(c)	13210	7151(e)
12320	7072(d)	13215	7151(f)-(g)
12325	7073	13250	7149.45(b)
12330	7074	13255(a)	6596.1(a), 2nd sent., (f)
12400	7075	13255(a)	6596.1(f)
12405	7076	13255(b)	6596.1(g)
12410	7077	13255(c)	6403
12415	7078(a)-(c)	13260	7180.1(c), 2nd sent.
12420	7078(d)	13300	12002.2
12425	7078(e)-(f)	13305	12002.2.1
12500	7080	13350(a)	7185
12505	7087(a)	13350(b)	7186.1(b)
12510	7081	13355	7183.1(a)-(b)
12515	7082	13360	7184.1(a)-(b)
12520	7083	13365	7186.1(a)
12525	7084	13400	7149.05(b)
12530	7085	13405	7182.1(a)
12535	7086	13405(b)	7185
12540(a)	7087(b)	13500	7120
12540(b)	7088	13600	7121, 1st para.
12600	7090(a)	13605	7121, 2nd para.
12605	7090(b)(1), (b)(2), 1st sent.	13610	12002.3
12610	7090(b)(2), 2nd sent., (b)(2), (A)-(E)	13700	7230
12615	7090(c)	13705	7232
12620	7090(d)	13710	5510

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
13800 .....	7110	14870 (a)-(g) .....	7856(a)-(d)
13805 .....	7115	14870(h) .....	7856(e)
13900 .....	7361	14875 .....	7856(f), 1st-3rd sent.
13905 .....	7363	14880 .....	7856(f), 4th sent.
13910 .....	7362	14950 .....	12002.6
13915 .....	7364	15000 .....	9100
13950 .....	10925	15005 .....	9101
14200(a)-(b) .....	7600	15050 .....	7892, 1st sent.
14200(c) .....	8460, 4th para.	15055 .....	7892, 2nd sent.
14210 .....	8140	15060 .....	7892, 3rd sent.
14300 .....	8603	15100 .....	8398
14305 .....	8604	15105 .....	8400
14310 .....	7704(a)	15150(a) .....	8434
14350 .....	7708	15150(b) .....	8433 (Dist. 2670, Smith R.)
14500(a) .....	7850(a)	15200 .....	1110
14500(b) .....	7850(b)	15200 .....	7891
14500(c) .....	7850(c), 1st sent.	15300 .....	8602
14500(d)(1) .....	7850(d)	15305 .....	8608
14500(d)(2) .....	7850.5	15400(a) .....	8630, 1st para.
14505 .....	7852.27	15400(b)-(d) .....	8631
14550(a) .....	7852(a)-(b)	15405 .....	8632
14550(b) .....	7851	15410 .....	8633
14550(c) .....	7852(e)	15415 .....	8635
14555 .....	7852.25	15420 .....	8630, 2nd para., 1st-3rd sent.
14560 .....	7857(a), (c)-(k), (m)	15425(a) .....	8634
14565 .....	7858	15425(b) .....	8630, 2nd para., 4th-5th sent.
14600 .....	7852(a)-(d)	15500 .....	8660
14605 .....	7852.2	15505 .....	8661
14610 .....	7852.1	15510 .....	8665
14615 .....	7850(c)	15515 .....	8663
14620(a) .....	6596.1(d)	15520 .....	8664
14620(a) .....	6596.1(f)	15525 .....	8667
14620(b) .....	6596.1(g)	15530 .....	8668
14650 .....	7857(b)	15535 .....	8669
14655 .....	7855	15540(a) .....	8670
14660 .....	12153	15540(b) .....	12002(b)(5)
14665(a) .....	7853	15540(c) .....	12003
14665(b) .....	7854	15600(a) .....	8601.5(a) (set net)
14750 .....	7881(e)	15600(b) .....	8601.5(b), 1st-2nd sent.
14755 .....	7881(a)	15605 .....	8601.6(a)
14760 .....	7857(k)	15610(a) .....	8601.5(c)
14765(a) .....	7881(b), 1st sent.	15610(b) .....	8601.5(b), 3rd sent.
14765(a) .....	7881(c), 1st sent.	15610(c) .....	8601.5(b), 4th sent.
14765(b) .....	7881(f)	15700 .....	8751
14765(c) .....	7881(g)	15705 .....	8751
14770 .....	7852.1	15710 .....	8751
14775 .....	7881(b), 2nd sent.	15715 .....	8752
14775 .....	7881(c), 2nd sent.	15720 .....	8752
14780 .....	7881(a)	15725 .....	8752
14785 .....	7880	15730 .....	8752
14790 .....	7881(d)	15735 .....	8752
14850 .....	7857(m)	15740 .....	8752
14855 .....	7857(l)	15745 .....	8754
14860 .....	7852.4	15750 .....	8754
14865 .....	7857(e)	15755 .....	8754

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
15760(a)-(c)	8754	16305	8833 (Dist. 2650)
15760(d)	8757 (Dist. 2625)	16310	8836 (Dist. 2685)
15760(e)	8780(a), 2nd sent. (Dist. 2625)	16350	8832
15765(a)-(b)	8757 (Dist. 2630)	16355	8843
15765(c)	8780(a), 2nd sent. (Dist. 2630)	16400	8870
15770(a)-(b)	8757 (Dist. 2635)	16450	8870(a) (Dist. 2505)
15770(c)	8780(a), 2nd sent. (Dist. 2635)	16455	8870(a) (Dist. 2515)
15775(a)	8755	16460	8870(a) (Dist. 2525)
15775(b)	8755	16465	8870(a) (Dist. 2540)
15775(c)	8757 (Dist. 2640)	16470	8870(a) (Dist. 2550)
15775(d)	8780(a), 2nd sent. (Dist. 2640)	16475	8870(b)
15780	8755	16480	8870(c)
15785	8755	16550	8890 (Dist. 2620)
15900	8780.1	16555	8890 (Dist. 2625)
15905	8780(a), 2nd sent.	16650	8832
15910	8780(b)	16805	8609
15915	8780(c)-(d)	16850.1	8610.1
16000	8801 (Dist. 2505)	16850.11	8610.11
16005	8801 (Dist. 2525)	16850.12	8610.12
16010	8801 (Dist. 2540)	16850.13	8610.13 (all but refs to 8610.8)
16010(e)-(f)	8841(j)-(k)	16850.13	12003.5
16015	8802 (Dist. 2580)	16850.14	8610.14
16020	8802 (Dist. 2585)	16850.15	8610.15
16025	8803	16850.16	8610.16
16030	8804	16850.2	8610.2
16035	8805 (Dist. 2600)	16850.3	8610.3
16040	8805 (Dist. 2605)	16850.4	8610.4
16045	8806	16850.5	8610.5
16050	8807	16850.6	8610.6
16100	8606.1	16850.9	8610.9
16105(a)	8830, 2nd sent.	17000	8664.5
16105(b)	8841(d)	17005	8664.67
16110(a)-(c)	8841(a)-(c)	17010	8664.7
16110(d)	8841(e)	17015	8664.8
16110(g)	8841(i) (Dist. 2540)	17020	8664.13
16150	8831	17025	8666
16155	8837	18000	8680
16160(a)	8841(f)	18005	8681
16160(b)	8841(i)	18010	8681.5
16165(a)	8841(h)	18015	8681.7
16165(b)	8841(i)	18020	8682
16170(a)	8841(l)	18025	8683
16170(b)	8841(i)	18030	8684
16175	8840	18035	8685
16250	8833 (Dist. 2550)	18040	8685.5
16255	8835 (Dist. 2570)	18045	8685.6
16260	8835 (Dist. 2575)	18050	8685.7
16265	8835 (Dist. 2590)	18055	8686
16270	8836 (Dist. 2615)	18060	8687
16275	8836 (Dist. 2620)	18065	8688
16280	8833 (Dist. 2625)	18070	8691
16285	8833 (Dist. 2630)	18075	8692
16290	8833 (Dist. 2635)	18080	8692.5
16295	8833 (Dist. 2640)	18085	8693
16300	8833 (Dist. 2645)	18090	8694

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
18095 .....	8696	19020 .....	9025.5(c) (Dist. 2600)
18100 .....	8700	19025 .....	9025.5(c) (Dist. 2605)
18200 .....	8720	19030 .....	9025.5(a) (Dist. 2610)
18205 .....	8721	19035 .....	9025.5(a) (Dist. 2615)
18210 .....	8724	19040 .....	9025.5(a) (Dist. 2620)
18215 .....	8725	19045 .....	9025.5(a) (Dist. 2625)
18250 .....	12004	19050 .....	9025.5(a) (Dist. 2630)
18300 .....	8561	19200 .....	9000(a)-(b)
18305 .....	8561.5	19205 .....	9001
18310 .....	8562	19210 .....	9003
18315 .....	8563	19215 .....	9004
18320 .....	8564	19220 .....	9004
18325 .....	8567	19225 .....	9005
18330 .....	8568	19230 .....	9006
18335 .....	8568.5	19300(a) .....	9002(a)
18340 .....	8569	19300(b) .....	9002(c)
18345 .....	8573	19305 .....	9002(b)
18350 .....	8574	19310 .....	9002(d)
18355 .....	8575	19315 .....	9002.5
18360 .....	8575.5	19400 .....	9007
18365 .....	8576	19405(a) .....	9008
18370 .....	8576.5	19405(b) .....	8630, 1st para., 2nd sent.
18375 .....	8577	19405(b) .....	9008
18380 .....	8579	19410 .....	8632
18385 .....	8580	19410 .....	9008
18390 .....	8581	19415 .....	8633
18395 .....	8582	19415 .....	9008
18500 .....	8623(c)-(d)	19420 .....	8635
18505 .....	8625(a)-(c)	19420 .....	9008
18510 .....	8626(a)-(c)	19425 .....	8630, 2nd para., 1st-3rd sent.
18700 .....	9025.1	19425 .....	9008
18705 .....	9028	19430(a) .....	8634
18800(a)-(b) .....	9029 (Dist. 2570)	19430(a) .....	9008
18800(c) .....	9027 (Dist. 2570)	19430(b) .....	8630, 2nd para., 4th-5th sent.
18805(a)-(b) .....	9029 (Dist. 2575)	19430(b) .....	9008
18805(c) .....	9027 (Dist. 2575)	19500 .....	9001.7(a)-(j)
18805(d) .....	9029.5, 1st, 3rd sent. (Dist. 2575)	19505 .....	8403(c)
18810(a)-(b) .....	9029 (Dist. 2590)	19510(a) .....	8403(b), 1st sent.
18810(c) .....	9027 (Dist. 2590)	19510(a) .....	9022(b)
18810(d) .....	9029.5, 1st, 3rd sent. (Dist. 2590)	19510(b) .....	8403(b), 2nd sent.
18815(a)-(b) .....	9029 (Dist. 2615)	19515 .....	9022(a)
18815(c)-(d) .....	9027.5 (Dist. 2615)	19600 .....	9000(c)
18820(a)-(b) .....	9029 (Dist. 2620)	19605 .....	9020(a)
18820(c)-(d) .....	9027.5 (Dist. 2620)	19610 .....	9020(b)
18825(a)-(b) .....	9029 (Dist. 2625)	19800 .....	9052
18825(c)-(d) .....	9027.5 (Dist. 2625)	19805 .....	9050
18900(a)-(b) .....	9026	19810 .....	9051
18900(c) .....	8601.5(a) (set line)	19900 .....	8606(a)-(c)
18950 .....	9025.5(a)	19905 .....	8614
19000 .....	9025.5(a) (Dist. 2570)	19910 .....	8615
19005 .....	9025.5(a) (Dist. 2575)	20100(a) .....	8437
19010(a) .....	9025.5(a) (Dist. 2590)	20100(b) .....	8437.1
19010(b) .....	9025.5(c) (Dist. 2590)	20105(a) .....	8436
19015(a) .....	9025.5(a) (Dist. 2595)	20105(b) .....	8436.5
19015(b) .....	9025.5(c) (Dist. 2595)	20200 .....	8030

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
20205(a)	8032(a)	21000(b)	8043.1(a)
20205(b)	8032(b)	21000(c)	8047(b), 1st sent.
20210	8032.5(a)-(b), (d)-(i)	21000(d)	8047(a)(1), 1st sent., 1st cl.
20215	8038	21005(a)	8043(a), 2nd sent.
20220	8037(a), 2nd sent.	21005(b)	8043.1(c), 1st sent.
20225	7852.27	21005(c)	8043.1(c), 2nd sent.
20230(a)	8032(a)	21005(c)	8047(a)(1), 1st sent., 2nd cl.
20230(b)	8032(c)	21010	8043.2(a)
20230(c)	8039 (multi-function license)	21015	8046(b)
20235	8032.5(c)	21020	8043(b)
20240	12002.9	21020	8045
20300	8037(a), 1st sent.	21025(a)	8047(b), 3rd sent.
20350	8036(a), 1st sent.	21025(b)	8043(c), 1st sent.
20355(a)	8036(a), 2nd sent.	21025(c)	8043(c), 2nd-3rd sent.
20355(b)	8039 (fish importer)	21100	8046(a), 2nd-4th sent.
20400(a)	8031(a)(1), 1st-2nd sent.	21105(a)	8047(a)(1), 3rd sent.
20400(a)	8034(a), 1st sent.	21105(a)	8047(b), 5th sent.
20400(b)	8031(a)(1), 3rd sent.	21105(b)	8047(b), 6th sent.
20405(a)	8034(a), 2nd sent.	21110	8046(c)
20405(b)	8039 (fish processor)	21110	8047(a)(1), 4th sent.
20450	8033(a)	21110	8047(b), 7th sent.
20450	8047(c)(4)	21115	8046.1
20455(a)	8033(b)	21150	8046(a), 1st sent.
20455(b)	8039 (fish receiver)	21150	8047(a)(1), 2nd sent.
20460	8033(c)	21155	8043(c), 4th sent.
20500	8033.5(a), 1st sent.	21200	8047(c)(5)
20505(a)	8033.5(a), 2nd sent.	21205	8047(c)(3)
20505(b)	8039 (fish retailer)	21210(a)	8047(c)(1)
20550(a)	8035(a)	21210(b)	8047(a)(2), 1st sent.
20550(b)	8035(c)	21215	8047(a)(2), 4th sent.
20555(a)	8035(b)	21215	8047(c)(1)
20555(b)	8039 (fish wholesaler)	21220	8047(e), 1st sent.
20600	8033.1(a)	21225	8045
20605(a)	8033.2	21225	8047(d)
20605(b)	8039 (marine aquaria receiver)	21230(a)	8047(c)(2), 2nd sent.
20610	8033.1(b)	21230(b)	8047(c)(2), 3rd sent.
20700	8596	21235	8047(c)(2), 1st sent.
20705	8597(a)	21240	8047(e), 2nd-3rd sent.
20710	8597(b)	21245	8047(e), 4th sent.
20715	8597(c)	21300	8050
20720	8598	21350	8053
20725	8598.2	21355	8056
20730	8598.3(a), (c)	21360	8052
20735	8598.3(b)	21365(a)	8057
20740	8598.4	21365(b)	8058
20745	8598.6	21365(c)	8059
20900	8040(b)	21365(d)	8060
20905	8043.1(b)	21365(e)	8061
20950	8041	21365(f)	8062
20950	8047(b), 2nd sent.	21365(g)	8063
20955(a)	8042, 1st sent.	21370	8064
20955(a)	8051	21375(a)	8065
20955(b)	8042, 2nd sent.	21375(b)	8066
21000(a), (c)	8043(a), 1st sent.	21375(c)	8067
21000(a), (c)	8047(a)(2), 2nd-3rd sent.	21375(d)	8068

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
21375(e)	8069	22450(e)	7652.3(b)
21375(f)	8070	22455	7652.3(a)
21400	8025(a)	22500	8101
21450	8043.2(b)	22505	8102
21455	8043.2(c)	22510	8103
21600	7700(a)-(c)	22515	8104
21605	7701	22600	8585
21610	7702	22605	8585.5
21615	7703	22610	8586
21650	8075	22615	8589
21655	8077	22620	8587.1
21660	8078	22625	8586.1
21665	8079	22630	8587
21670	8079.1	22635	8589.7
21675	8080	22640	8589.5
21750	7705	22700	8111
21800	7704(b)	22705	8110
21805	8076	22710	8112
21810	7702.1	22715	8113
21850	7706	22720	8114
21855	7707	22800(a)-(e)	7710(a)-(c)
21900	7920, 2nd sent.	22800(f)	7710, last para.
21905	7920, 1st, 3rd sent.	22805(a)-(c)	7710.5
21910	7921, 2nd sent.	22805(d)	7710, last para.
21915	7921, 1st sent.	22810	7710.1
21920(a)	7923	22815	7712
21920(b)	8460, 4th para.	22900	7630
21925	7924	22905	8125, 1st-2nd sent.
21930	7147	22910	8126
21935	6596.1(b)	22915	8125, 3rd sent.
21940	12002.7, 1st-2nd para.	23100	7690
21945	12002.4	23150	7709
21950	8385	23200	1069
22100(a)	8460, 1st para.	23300	15006
22100(b)	8460, 3rd para.	23305	15000(a)
22105	8460, 2nd para.	23350	15000(b)-(d)
22110	8461	23355	15005
22115	8460, 2nd para.	23360	15008
22120	8462	23365	15100
22125	8463	23500	15004(c)
22200(a)-(b)	8026	23505	15004(a)-(b)
22200(c)	8460, 4th para.	23600	15101(b), 3rd sent.
22205	8022	23605(a)	15101(a)
22210	8010	23605(b)	15101(b), 1st sent.
22215	8025(a)	23605(c)	15101(c)
22300	7650	23610	15101(b), 1st sent.
22305	7654	23700	15101(b), 1st sent.
22310	7655	23700	15101(b), 2nd, 4th sent.
22315	7652(d)	23700(d)	15101(d)
22400(a)-(d)	7652.1	23705	15103
22400(e)	7652.3(b)	23710	15104
22405	7652(a)-(c)	23715	15105
22410	7652.3(a)	23720	15103
22415	7653	23800(a)	15200, 1st sent.
22450(a)-(d)	7652.2	23800(b)	15202

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
23800(c).....	12007 (planting aquatic org.)	24705(b).....	12007 (import aquatic org.)
23805.....	15102	24710.....	15600(b)
23810.....	15201	24715.....	15601
23815.....	15200, 2nd sent.	24720.....	15604
23820.....	15003	24800.....	15700
23900.....	15300	24805.....	15701(a)
23905(a).....	15301(b)	24810.....	15701(b)
23905(b).....	15301(c)	24815.....	15703
23910.....	15301(a)	24820.....	15702
23915.....	15001	24900.....	15002
24000.....	15400(a)	24905.....	5511
24005.....	15400(b), 1st sent.	24950(a).....	15007(a), 3rd sent.
24010.....	15400(b), 2nd sent.	24950(b).....	15007(b)
24015.....	15400(c)	24955.....	15007(f)
24020.....	15400(d)	24960(a).....	15007(a), 1st sent.
24100(a)-(b).....	15403, all except last sent.	24960(b).....	15007(a), 2nd sent.
24100(c).....	15401	24960(c).....	15007(c)
24105.....	15404	24965.....	15007(d)
24110.....	15415	24970.....	15007(e)
24115(a).....	15406.5(a), 1st sent.	25100.....	1120
24115(b).....	15406.5(a), 3rd sent.	25105.....	1121
24115(c).....	15406.5(b)	25110.....	1122
24200.....	15405	25115.....	1126
24205.....	15410	25120.....	1150
24210.....	15406	25125.....	6903.5
24215.....	15414	25130.....	1122.5
24220(a).....	15406.5(a), 2nd sent.	25135.....	1210
24220(b)-(d).....	15406.7	25200.....	1170
24300.....	15407	25205.....	1171
24305.....	15403, last sent.	25210.....	1172
24310.....	15402	25215.....	1173
24315.....	15411	25220.....	1174
24320(a).....	15408	25225.....	1175
24320(b)-(e).....	15409	25300.....	1200
24325.....	15412	25305.....	1201
24400.....	15413	25310.....	1202
24500.....	15500	25315.....	1203
24505.....	15501	25320.....	1204
24510.....	15502	25325.....	1205
24515(a).....	15503	25330.....	1206
24515(b).....	15504	25400.....	6403 (fish planting)
24520.....	15505	25405.....	1123
24525.....	15506	25410.....	6401
24530.....	15507	25415(b).....	6400
24535.....	15508	25415(b).....	12007 (fish planting)
24540(a)-(b).....	15510	25420.....	1125
24540(c).....	12007 (diseased aquatic org.)	25500.....	12023
24545(a).....	15509	25505.....	12024
24545(b).....	12007 (quarantined aquatic org.)	25510.....	12026
24600.....	15512	25600.....	6420
24605.....	15513	25605.....	6421
24610.....	15514	25610.....	6422
24615.....	15516	25615.....	6423
24700.....	15605	25620(a).....	6424
24705(a).....	15600(a)	25620(b).....	6425(b)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
25700	6590	26615	2119
25705	6591	26620	2123
25710	6592	26700	2118(a)
25715(a)	6594	26705	2118(b)
25715(b)	6593, 2nd sent.	26710	2118(c)
25720	6593, 1st, 3rd sent.	26715	2118(d)-(e), (j)
25725	6595	26720	2118(f)
25730	6597	26725	2118(g)-(h)
25735	6597.5	26730	2118(i)
25740	6598	26735	2118(k)
25850	6402	26850	2124
25855	1123.5	26855	2126
26000	3200	26860	2121
26005	3201	26865(a)-(c)	2118.2
26010	3202	26865(d)	2118.4
26015	3203	26865(e)	2118.3
26020	3204, 1st para.	26870	2128
26025	3204, 2nd para.	27000	2125(a), 2nd sent.
26030	3205	27005(a)	2125(a), 1st sent.
26035	3206	27005(b)	2125(b)
26040	3207	27010	2125(c)
26045	3208	27015	2125(d)
26050	3209	27020	2127
26055	3212	27200	2150(a)
26060	3213	27205	2150(b)
26065	3214	27210	2150(c)-(f)
26070	3216	27215(a)	2150.2
26075	3217	27215(b)	2150.1
26080	3218	27220	2150.3
26085	3219	27225	2150.4
26200	3300, 2nd para.	27235	2151
26205	3300, 1st para., 1st sent.	27240	2152
26210(a)	3300, 1st para., 2nd sent.	27245	2153
26210(b)	3301, 1st sent.	27250	2155
26215	3301, 2nd-3rd sent.	27255	2156
26220	3302	27260	2157(a)
26225	3303, 1st-2nd sent.	27265	2157(b), (d)
26230	3303, 3rd sent.	27270	2157(c)
26235	3305	27275	2193(a)
26240	3306, 1st-2nd para.	27280	2193(b)-(c)
26245	3306, 3rd para.	27330	2150.5
26250(a)	3307, 1st para., 2nd sent.	27400	2185(b)
26250(b)	3307, 1st para., 1st sent.	27400	2186(b)
26255	3307, 2nd para.	27400	2187(b)
26260	3309	27405	2185(a)
26265	3308	27410	2186(a)
26270	3310	27415	2187(a)
26275	3311	27500	2189(a)
26400	4010	27505	2189(b)-(c)
26500	2116	27510	2189(d)-(f)
26505	2117	27600	2200
26510	2116.5	27605	2201
26600	2120	27610	2202
26605	2118.5	27615	2203
26610	2122	27700	2190

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
27705	2195	29515(c)	3684(g)
27710	2192	29515(d)	3684(c), 1st sent.
28000	2225	29515(e)	3684(e), 2nd sent.
28100(a)	2270	29520(a)	3684(c), 2nd sent.
28100(b)	12007 (diseased aquatic org.)	29520(b)	3684(c), 4th-5th sent.
28105	2270.5	29520(c)	3686, 1st sent.
28110(a)-(d)	2271	29525	3684(c), 3rd sent.
28110(e)	12007 (import aquatic org.)	29530(a)	3684(d)
28115	2272	29530(b)	3686, 2nd sent., 1st cl.
28250	2300(a)-(b)	29535	3686, 2nd sent., 2nd cl.
28255	2300(c)	29540	3684(e), 1st sent.
28400	2345	29545	3684(f)
28405(a)	2346	29650	3516, 2nd para.
28405(b)	2347	29700	3516, 1st para.
28410	2348	29705	3515
28415	2349	29850(a)	3800(a), 2nd sent.
28420	2352	29850(b)	12002(c) (nongame bird)
28425	2353	29855(a)	3513
28500	2400	29855(b)	12002(c) (migratory nongame bird)
28505	2401	29860	3801.5
28600	2015	30000	3801.6(a)
28650	2022(a)	30005	3801.6(b)(1)
28655	2022(b)-(c)	30010(a)	3801.6(b)(2), 2nd-4th sent.
28660	2022(d)	30010(b)	3801.6(c)
28665	2022(e)	30015	3801.6(b)(2), 1st sent.
28670	2022(f), (i)	30100	395
28675	2022(g)	30105(a)-(b)	396
28680	2022(h)	30105(c)	398, 1st cl.
28685	2022(j)	30110(a)	3503.5
28750	3039	30110(b)	12002(c) (bird of prey)
28905(a)	3503	30110(b)	12010
28905(b)	12002(c) (bird nest & eggs)	30115	3802
28910	3504	30200(a)-(b)	3511(a)(1), 1st-2nd sent.
28915	3803	30200(c)	12008(b)
29050	3860	30200(d)	12159.5 (fully prot. birds)
29055	3861	30205	3511(a)(1), 3rd-6th sent., (a)(2)
29060	3862	30210	3511(a)(3)
29065	3863	30300	3505 (bird of paradise)
29200	356, 1st para.	30350	3511(b)(5)
29205	3806	30360	3850
29210	355, 1st-2nd para.	30365	3851
29215	356, 2nd para.	30370	3852
29220	355, 3rd para.	30375	3853
29225	357	30380	3854
29350	3502	30385	3855
29355	3501	30390	3856
29360	3508	30395	3857
29365	3270(a)	30500	3500(b)(1)
29370	4304, 1st sent.	30505(a)	3700.1(a)
29375	2350 (game birds)	30505(b)	12001.5 (duck and goose)
29500	3682.1(a)	30510	3681
29505	3682.1(b)	30515	3700.1(b)
29510	3682.2	30520	3700.2(a)-(f)
29515(a)	3684(a)	30525(a)	3700.2(g)
29515(b)	3684(b)	30525(b)	3702.5, 1st sent.

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
30530 .....	3701, 1st sent.	32150(a) .....	4002
30535(a) .....	3701, 2nd sent.	32150(b) .....	4003
30535(b) .....	3704, 1st para., 1st-2nd sent.	32155 .....	4180
30535(c) .....	3704, 1st para., 3rd sent.	32300 .....	4150, 2nd sent.
30540 .....	3702, 1st sent.	32305 .....	4152 (nongame mammal)
30545 .....	3704, 1st para., 4th sent.	32310(a) .....	4153, 1st para.
30550 .....	3702, 3rd sent.	32310(b) .....	4154
30550 .....	3704.5, 1st para., 2nd sent., 2nd cl.	32500(a)-(b) .....	4500(a)-(b)
30555 .....	3702, 2nd sent.	32500(c) .....	12003.2 (marine mammal)
30555 .....	3704.5, 1st para., 2nd sent., 1st cl.	32700(a)-(b) .....	4700(a)(1), 1st-2nd sent.
30560(a) .....	3703	32700(c) .....	12003.2 (fully prot. mammal)
30560(b) .....	3705	32700(c) .....	12008(c)
30565 .....	3702.1	32700(d) .....	12159.5 (egret)
30570 .....	3704.5, 1st para., 1st sent.	32705 .....	4700(a)(1), 3rd-6th sent., (a)(2)
30700 .....	3505 (egret)	32710 .....	4700(a)(3)
30750 .....	3505 (goura)	32900 .....	3950(a) (antelope)
30800 .....	3505 (numidi)	32950 .....	331(c), (d)
30850 .....	3505 (osprey)	32955 .....	331(b), 1st-3rd sent.
30900 .....	3500(a)(10)	32960(a) .....	3953(b), 1st sent. (antelope)
30900 .....	3683(a)(11)	32960(b) .....	331(b), 4th sent.
30910(a) .....	3010	32965(a) .....	709 (antelope)
30910(b) .....	3660	32965(b) .....	3953(b), 2nd sent. (antelope)
31000 .....	3500(b)(6)	33000 .....	331(a)
31000 .....	3683(b)(4)	33050 .....	12013.3 (antelope)
31010 .....	3680	33100 .....	3950(a) (bear)
31050 .....	3801	33110 .....	4760
31100 .....	3500(a)(11)	33200 .....	3011
31100 .....	3683(a)(12)	33205(a) .....	4750
31105 .....	12013.3 (turkey)	33205(b) .....	12001.5 (bear)
31110 .....	4181(a) (wild turkey)	33210 .....	4753
31115 .....	4188 (wild turkey)	33215 .....	4755
31500 .....	3032(a)(1)	33220 .....	4757
31500 .....	3960(a)	33225 .....	3006 (bear)
31500 .....	3960.2 (bear)	33300 .....	4751
31500 .....	3960.4(a)	33305 .....	3953(b), 2nd sent. (bear)
31500 .....	3960.6(a)	33310 .....	4752
31505 .....	3032(a)(2)-(d)	33315 .....	4754
31510(a) .....	3960(b)	33400(a) .....	302
31510(b) .....	3960(c)(3)	33400(b) .....	303
31550 .....	3960(c)(1)-(2), (4)	33450(a) .....	4759, 1st sent.
31555 .....	3961	33450(b) .....	4759, 2nd-3rd sent.
31600 .....	4153, 2nd para.	33455 .....	4758
31605(a) .....	4180.1, 1st para.	33460 .....	12005
31605(b) .....	4180.1, 2nd para.	33465 .....	12001.5 (bear parts)
31610 .....	4190	33470 .....	12013.5
31700 .....	4011	33500 .....	4763
31800 .....	4304 (game mammal)	33505 .....	3960.6 (bear)
31900 .....	3953(a)	33510(a) .....	4181.1(a)
31905 .....	3953(c)	33510(b) .....	4181.1(c) (bear)
31910 .....	3953(d)	33510(c) .....	4181.1(d)
31915 .....	3953(e), 1st sent.	33510(d) .....	4181.1(e)
31920 .....	3953(e), 2nd sent.	33515 .....	3960.2 (bear)
31925 .....	3953(f)	33520(a)-(d), (f) .....	4181(a) (bear)
31930 .....	3953(g)	33520(e) .....	4181(b)
31935 .....	13205	33600 .....	3960.4 (bear)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
33650 .....	4185	34530(e) .....	451
33700 .....	4000 (beaver)	34535 .....	1503
33710 .....	4181(a) (beaver)	34600 .....	4181.5
33755 .....	3960.2 (bobcat)	34605 .....	4188 (deer)
33755 .....	3960.4 (bobcat)	34700 .....	12013.3 (deer)
33755 .....	3960.6 (bobcat)	34800 .....	3950(a) (elk)
33800 .....	4155(d)	34810 .....	3006 (elk)
33805 .....	4155(a)	34850 .....	332(b)
33810 .....	4155(b)-(c)	34855 .....	332(d), (e)
33815 .....	4155(e)	34860 .....	332(c)
33820 .....	4155(f)	34865 .....	3953(b), 1st sent. (elk)
33900 .....	3960.6(b)	34870(a) .....	709 (elk)
33905 .....	3960.2 (bobcat)	34870(b) .....	3953(b), 2nd sent. (elk)
33950 .....	3960.4(b)-(d)	34950 .....	332(a)
34055(a)-(c) .....	4600	34955 .....	3952
34055(d) .....	12002(b)(3) (burro)	34960 .....	3951
34060 .....	10930	35000(a)-(c), (f) .....	4181(a) (elk)
34065 .....	10931	35000(d)-(e) .....	4181(d)
34100 .....	3950(a) (deer)	35100 .....	12013.3 (elk)
34110 .....	4302	35200 .....	4000 (fox)
34115 .....	3006 (deer)	35210 .....	4012
34120 .....	2350 (deer)	35215 .....	4152 (fox)
34125 .....	2355	35300(a) .....	3950(a) (mountain lion)
34200(a) .....	4330	35300(b) .....	3950.1(a)
34200(b) .....	12001.5 (deer)	35310 .....	3950.1(b)
34205 .....	4336	35310 .....	4800(d)
34210 .....	4341	35315 .....	4808
34215 .....	4334	35350 .....	4800(a)-(c)
34220 .....	4331	35400 .....	4801
34225 .....	4332(a)-(d)	35405 .....	4802
34230 .....	4333	35410 .....	4803
34235 .....	4340	35415 .....	4804
34240 .....	3953(b), 1st sent. (deer)	35420 .....	4805
34245(a) .....	709 (deer)	35425 .....	4806
34245(b) .....	3953(b), 2nd sent. (deer)	35430 .....	4807
34350 .....	4370	35435 .....	4809
34355 .....	4371	35440 .....	4801.5
34400(a) .....	4301(b) (deer)	35500 .....	4810
34400(b)-(c) .....	4301(a), 1st sent.	35600 .....	4000 (muskrat)
34405(a) .....	4301(b) (deer)	35610 .....	4152 (muskrat)
34405(b)-(d) .....	4301(a), 2nd-5th sent.	35615 .....	2250
34410 .....	4303	35700 .....	3950(a) (rabbit & hare)
34415 .....	4304 (deer)	35705 .....	4186
34450 .....	10501	35710 .....	4152 (rabbit & hare)
34500 .....	450	35750(a) .....	4500(c) (sea otter)
34505 .....	452	35750(b) .....	4700(b)(8)
34510(a) .....	453	35755 .....	4501
34510(b) .....	454	35800 .....	4700(b)(2)
34510(c) .....	455	35810 .....	4900
34515(a) .....	456, 1st sent.	35815 .....	4901
34515(b) .....	456, 3rd sent.	35820(a) .....	709 (bighorn sheep)
34520 .....	457	35820(b) .....	3953(b), 2nd sent. (sheep)
34525 .....	458	35825(a) .....	3953(b), 1st sent. (sheep)
34525 .....	459	35825(b) .....	4903, 3rd-4th sent.
34530(a)-(d) .....	460	35900 .....	4902(a)-(b)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
35905(a)-(b)	4902(d)	38565	12002.8(d)-(e) (anchovies)
35905(c)	4902(e)	38705	2362 (barracuda)
35910	4902(c)	38755(a)	8386 (barracuda)
35915	4903	38755(b)	8382 (barracuda)
35950	12008.5	38755(c)	8384 (barracuda)
35955	12013.3 (sheep)	38760	8623(a)-(b), (e) (barracuda)
36000	3950(a) (squirrel)	38850	2360 (black bass)
36010	4152	38855	7350
36015	4181(a) (squirrel)	38860	2360 (spotted bass)
37000(a)	4500(c) (whale)	38865(a)	2359
37000(b)	4700(b)(6)	38865(b)	2363 (striped bass)
37050	4502.5	38870(a)	6400.5
37100	3950(a) (wild pig)	38870(b)	12007 (white bass)
37105	4650	38875(a)	2362 (white sea bass)
37150	4181(a) (wild pig)	38875(b)	2362 (white sea bass)
37150	4652	38875(c)	6596.1(c)
37155	4657	38900	1740
37200	4653	38905	1741
37205	4654 (wild pig)	38910	1742
37210	4655	38915	1743
37215	4654 (wild pig)	39000	8756 (striped bass)
37220	3953(b), 1st sent. (wild pig)	39005	8370 (striped bass)
37300	4651	39010	8371(a)-(b)
37350	4181.2	39050	8383.5
37355(a)-(d)	4181.1(b)	39055	8623(a)-(b), (e) (white sea bass)
37355(e)	4181.1(c) (wild pig)	39100	8380
37355(f)	4181(c) (wild pig)	39105	8372
37360(a)-(c), (e)	4181(a) (wild pig)	39150	6403 (carp)
37360(d)	4181(c) (wild rodent)	39200	6456
37365	4188 (wild pig)	39205	6440
37450	3950(a) (wild rodent)	39210	6450
37450(b)	4700(b)(1)	39215	6451
37450(c)	4700(b)(7)	39220	6452
37455(a)	2576	39225	6455
37455(b)	2575	39230	6454
37460	4005(f)	39235	6453
37805	7600	39240	6457
37950	6300 (fish)	39245	6460
37955	6301 (fish)	39305	9023
37960	6302 (fish)	39410	8435
37965	6303 (fish)	39555	8373
37970	6304 (fish)	39655	8381
37975	6305 (fish)	39755	9001.6
37980	6306 (fish)	39805	316
38200(a)-(d), (g)	5515(a)	39900	8391
38200(e)	12008(e)	39905	8392
38200(f)	12159.5 (fully prot. fish)	39950	8494(a)
38355	8607	39955(a)	8494(b)
38360	8403(a)	39955(b)	8494(c)
38365	8046.1	39960	8494(d)
38550	8190	39965	8494(e)
38555(a)	8180	39970	8494(f)
38555(b)	8181	39975	8494(h)
38555(c)	8182	39980	8494(g)
38560	8183	40050	12002.8(d)-(e) (halibut)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
40100	8495(a)	41125	6956
40105	8495(b)-(d)	41305	8231
40110	8495(e)	41350	7861.3
40115	8496	41355	7860
40120	8497	41360(a)-(e)	7861
40125	8842(c), 2nd sent.	41360(f)	7861.1
40350(a)	8550, 1st sent.	41365	7861.2
40350(b)	8552(a), 1st sent.	41370	7861.5
40355	8550, 2nd-3rd sent.	41375	7861.4
40360	8550.5	41380	7862
40365	8552(b)-(e)	41385	7862.5
40370	8552.8	41390	7863
40375	8552(a), 2nd sent.	41450	8210.2
40375	8552.6	41455	8217
40380	8552(a), 2nd sent.	41455	8371(c)-(d)
40380	8552.2	41460	8213
40385	8552.3	41465	8214
40390	8552.7	41470	8215
40395	8552.4	41475	8218
40400	8552.1	41480	8219
40405	8554	41485	8756 (salmon)
40410	8555	41490	8834.1
40415	8556	41495	8370 (salmon)
40420	8557	41500	12002.8(d)-(e) (salmon)
40425	8558	41600	8120
40430	8558.1(a), 1st-2nd sent.	41605(a)-(c)	8121
40435(a)-(b)	8558.2	41605(d)	8122
40435(c)	8558.1(a), 3rd sent.	41610	8123
40435(d)	8558.3	41650	8230
40440	8559	41655	8248
40445	8552.5	41660(a)	8246.8
40450	12002.8(d)-(e) (herring)	41660(b)	8239.2
40455	8553	41665	8232
40500	8389(a), 1st sent.	41670	8232.5
40505	8389(a), 2nd sent.	41675	8234(a)
40510(a)	8389(b)	41680	8233.9
40510(b)	8389(c)	41685	8243
40515	8389(d)	41690	8242
40605	8412	41695	8244
40610	8411	41700	8245
40705	2354	41705	8245.5
40710	7123	41710	8233.8
40755	8393(a)	41715	8233, 1st sent.
40760	8393(b)	41720	8236
40905	9001.8	41725	8235
40955	1000.6	41730	8233.3
41000	310	41735	8233.5
41005	5514 (salmon)	41735	8237
41010	316.5	41740(a)-(i)	8239
41050	2361	41740(j)	8241
41100	6950	41745(a)	8238
41105	6952	41745(b)	8238.1
41110	6953	41750	8239.9
41115	6954	41755(a)-(c)	8239.1
41120	6955	41755(d)-(e)	8240

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
41760	8233.4	43255	10001, 1st sent.
41765	8239.6	43260	10001, 2nd sent.
41770	8246.4	43265	10002
41775	8246.6	43270(a)	10003
41780	8246.7	43270(b)	10004
41785(a)	8246(a)	43275	10005
41785(b)	8246(b)	43355	8370 (sturgeon)
41785(c)	8246(c)	43555	8395
41785(d)	8246.2(b)	43655(a)	8394
41785(e)	8246(d)	43655(b)	8394.5
41790	8246.2(a)	43805	7260
41795	8233, 2nd sent.	43850	2356
41800	8234(b)	43855	2358
41900	8247, 1st sent.	43950	5514 (steelhead)
41905	8247.5(a)	44000	7380
41910	8247.7	44005	7381
41915	8247.1	44010	7382
41920	8247.5(b)	44105(a)	8430
41925	8247.2, 1st sent.	44105(b)	8433 (trout)
41930	8247, 3rd sent.	44200(a)-(b)	8431
41935	8247.2, 2nd-3rd sent.	44200(c)	8432
41940	8247, 2nd sent.	44200(d)	8433 (Dolly Varden, steelhead)
41945	8247.4	44205	8756 (Dolly Varden, steelhead)
41950	8247.8	44350	313
41955	8247.6	44450	8376
42050(a)	7662	44455(a)	8374 (bluefin tuna)
42050(b)	7660	44455(b)	8375
42100	7925	44460(a)	8377.5
42105	8055	44460(b)	8377
42110	8226	44465	8378
42255	8150.7, 1st sent.	44470	8374 (yellowfin tuna)
42260	8150.7, 2nd sent.	44650	2362 (yellowtail)
42265	8150.5	44755(a)	8386 (yellowtail)
42270	12002.8(d)-(e) (sardines)	44755(b)	8382 (yellowtail)
42350	8154	44755(c)	8384 (yellowtail)
42455	2363 (shad)	44760	8387
42505	8756 (shad)	44765	8623(a)-(b), (e) (yellowtail)
42605	5517	45005	7600
42610(a)-(d)	2021	45010	8500
42610(e)-(f)	2021.5(a)	45250	5505 (crustaceans)
42615	2021.5(b)	45305	9053 (crustaceans)
42750	7704(c)	45400	5505 (mollusks)
42800	8388(b)	45405	9053 (mollusks)
42805	8388(a)	45450	5700
42810(a)	8388(c)	45455	5701
42810(b)	8388(d)	45460	5701.5
42850	8599.4	45465	5702
42905	8388.5	45500(a)	5669
42950	8599	45500(a)	5671
42955	8599.3	45500(b)	5675
43150(a)-(b)	7370	45505	5670
43150(c)	12006(a)(1)	45505	5672, 2nd para.
43150(d)-(f)	12006(b) (sturgeon)	45510(a)	5672, 1st para.
43200	2363 (sturgeon)	45510(b)	5673
43250	10000	45515	5674

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
45700(a)-(c)	7149.8	47365	8276.2(c), 1st, 3rd-6th sent.
45700(d)	12000(b)(3)	47370	8276.2(b)(2)(A)
45700(d)	12002(b)(3) (abalone)	47375	8276.2(d)
45750	2371	47450(a)	8284(a), 1st sent.
45800	5521	47450(a)	9011(a)(1)
45805	5521.5	47450(b)	9011(a)(2)
45810	5521.6	47450(c)	9012(b)
45850	12009	47455	8283
45855	12006.6	47460(a)	8284(a), 2nd sent.
45860	12002.10	47460(b)	9011(a)(3)
45865	12002.8(a)-(c)	47465	9011(c)
45950(a)	7149.9(a), 3rd sent.	47600	8276.5(h)
45950(b)-(c)	7149.9(a)(1), 2nd sent.	47605	8276.5(g)
45955(a)	7149.9(a), 1st, 2nd sent.	47610	8276.5(a), 1st sent.
45955(b)-(d)	7149.9(b)-(d)	47615	8276.5(a), 2nd sent.
45960	7149.9(a)(1), 1st sent.	47620	8276.5(a)(1)-(2)
45960	7149.9(a)(2)-(3)	47625	8276.5(a)(3)
46000	5520	47630	8276.5(a)(4)
46005	5522(a), (b)	47635	8276.5(a)(5)
46010	5522(c)	47640	8276.5(a)(6)
46015	5522(d)	47645	8276.5(a)(7)
46020	5522(e)	47650	8276.5(b)
46050	7400	47655	8276.5(d)
46150	8051.4(a)	47660	8276.5(e)-(f)
46250	7290	47665	8276.5(i)
46255	2368	47800	8276.4(a), 1st sent.
46260	2369	47805	8276.4(a), 2nd sent., (a)(1)-(7)
46300	7332	47810	8276.4(b)
46400	8340	47815	8276.4(c)
46405	8475	47820	8276.4(d)
46410	8341	47825	8276.4(e)
46415	8343	47830(a)	8276.4(f)
46420	8346	47830(b)	8276.5(c)
46425	8342	47835	8276.4(h)
46550	2364	47900	8280.1(a)
46855	8275	47905	8280.4(a)
47000	8834	47910	8280.6(a)
47005	9012(a)	47915	8280.2(e), 2nd-4th sent.
47010(a)	8276.4(g)	47920	8280.2(e), 1st sent.
47010(b)	8276.4(h)	47925	8280.2(a)-(d)
47015	8281	47930	8280.1(g)(1)
47055	8279	47935	8280.1(g)(2)
47060	8276(c)	47940	8280.5(a)-(e)
47065	8834.5	47945	8280.1(h)
47070	8278	47945	8280.2(f)
47150	8276.3(a)-(b)	47945	8280.4(b)
47155	8279.1(a)-(e)	47945	8280.5(f)
47160	8276.3(c)	47945	8280.6(d)
47160	8279.1(f)	48100	8280.1(b)
47300	8276(a)-(b)	48100	8280.1(d)
47305	8277	48105	8280.1(b)(1)-(2)
47350	8276.2(a)	48110	8280.1(b)(3)
47355(a)	8276.2(b)(1)	48115	8280.1(b)(4)(A)
47355(b)	8276.2(c), 2nd sent.	48120	8280.1(b)(4)(B)
47360	8276.2(b)(2)(B)	48125	8280.1(b)(4)(C)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
48130	8280.1(b)(5)	49965	2301(a)(2)(D)(ii)-(iv)
48135	8280.1(b)(6)	49970	2301(b)
48140	8280.1(f)	49975	2301(c)(1)
48145	8280.1(c)	49980	2301(d)
48150	8280.1(h)	49985	2301(g)
48300	8280.3(a)	49990	2301(h)
48305	8280.6(c)	49995	2301(f)
48310	8280.3(b)	50000	2301(i)
48315	8280.3(c)	50100	2302(g)
48320	8280.3(d)	50105	2302(a)-(b)
48325	8280.3(e)	50110	2302(c)
48330	8280.3(f)	50115	2302(d)
48335	8280.3(g)(2)	50120	2302(e)
48340	8280.3(g)(1)	50125	2302(f), 3rd sent.
48345	8280.3(h)	50130	2302(f), 1st-2nd sent.
48350	8280.3(i)	50255	8344
48355	8280.6(b)	50405	8345
48360	8280.3(j)	50505	8405
48360	8280.6(c)	50510	8405.1
48500	8280	50515	8405.2
48505	8280.9	50520	8405.3
48510	8280.7	50525	8405.4
48650	8282	50655	1068
48655	9011(b)	50705(a)	9054, 1st sent.
48660	8284(b)-(c)	50705(b)	9055
48800	12002.8(d)-(e) (rock crab)	50705(c)	9054, 3rd sent.
49005	8490	50705(d)	9054, 4th sent.
49010	9024	50710	9054, 2nd sent.
49015	8491	50955	8590
49020	8492	51000	8593
49205	8510	51005	8591
49310	7256	51010(a)-(b)	8841(g)
49315	2365	51010(c)	8841(i) (shrimp & prawns)
49500(a)-(e)	8254	51015(a)	9015(a)
49500(f)	12006(a)(2)	51015(b)	8595(a)
49500(g)-(i)	12006(b) (lobster)	51015(c)	9015(b)
49505	8257	51015(d)	8595(b)
49510	8259	51050	8594
49515	8254.7, 1st-6th sent.	51100(a)	8595(a)
49600	8251	51100(a)	8842(a), 1st para.
49605	8252	51100(b)	8842(a), 2nd para.
49610	9001.7(k)	51105(a)	8842(b)
49615	8254.7, 7th sent.	51105(b)	8842(d)
49700	8250.5(a)	51110	8842(c), 1st sent.
49700	9010(a)	51115	8842(c), 3rd sent.
49705	9010(c)-(e)	51400	8399
49710(a)	8258	51405	8399.1
49710(b)	9010(b)	51450	8420
49715	8250.5(b)	51455	8424
49750	8250.5(c)	51460	8425(a)
49755	8253	51465	8425(b)
49850	1021	51470	8428
49950	2301(a)(1)	51475	8429, 1st sent.
49955	2301(e)	51480	8429, 2nd sent.
49960	2301(a)(2)(A)-(D)(i), (c)(2)	51485	8429.5

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
51490 .....	8429.7	53855(a) .....	1912
51905 .....	5505 (amphibians)	53855(b) .....	1913(a)
52000 .....	6300 (amphibians)	53855(c) .....	1913(b)
52005 .....	6301 (amphibians)	53855(d) .....	1913(c)
52010 .....	6302 (amphibians)	53900 .....	1925, 1st sent.
52015 .....	6303 (amphibians)	53905 .....	1926
52020 .....	6304 (amphibians)	53910 .....	1925, 2nd-3rd sent.
52025 .....	6305 (amphibians)	54005 .....	6653
52030 .....	6306 (amphibians)	54010 .....	6651(c) (kelp)
52200(a)-(d), (g) .....	5050(a) (fully prot. amph.)	54025 .....	6650
52200(e) .....	12008(d) (fully prot. amph.)	54030 .....	6651(a)-(b)
52200(f) .....	12159.5 (fully prot. amph.)	54035 .....	6656
52300 .....	6895	54040 .....	6657
52305 .....	6896	54050 .....	6680
52400 .....	6850	54055 .....	6652
52450 .....	6851	54075 .....	6700, 2nd sent.
52455 .....	6854	54080 .....	6700, 1st sent.
52460 .....	6852	54085 .....	6701
52465 .....	6855	54090 .....	6701.5
52500 .....	6880	54095 .....	6702
52505 .....	6881, 1st sent.	54100 .....	6703
52505 .....	6882	54105 .....	6704
52505 .....	6884	54110 .....	6705
52510 .....	6881, 2nd sent.	54115 .....	6706
52515 .....	6883	54120 .....	6707
52520 .....	6885	54125 .....	6708
53000(a)-(d), (g) .....	5050(a) (fully prot. reptile)	54130 .....	6709
53000(e) .....	12008(d) (fully prot. reptile)	54135 .....	6710
53000(f) .....	12159.5 (fully prot. reptile)	54140 .....	6711
53100 .....	5060	54175 .....	6654
53105 .....	5061	54180 .....	6655
53200 .....	5062	54200 .....	6750
53250 .....	7149.3	54205 .....	6751
53305 .....	5000	54305 .....	6651(c) (agar)
53310 .....	5002	54325 .....	6653.5(b)
53315 .....	5001	54330 .....	6653.5(a)
53600 .....	6300, 2nd sent.	54500 .....	1800
53605 .....	6301 (aquatic plants)	54505 .....	1801
53610 .....	6302 (aquatic plants)	54510 .....	1802
53615 .....	6303 (aquatic plants)	54525 .....	1700
53620 .....	6304 (aquatic plants)	54550 .....	1501
53625 .....	6305 (aquatic plants)	54555 .....	1501.5
53630 .....	6306 (aquatic plants)	54575 .....	1930
53800 .....	1900	54580 .....	1930.5(a)-(b)
53805 .....	1901, except 2nd sent.	54585 .....	1932
53810 .....	1904, 1st sent.	54590 .....	1940
53815 .....	1904, 2nd sent.	54595(a) .....	1931
53820 .....	1908	54595(b)-(d) .....	1932.5(a)-(b)
53825 .....	1907	54600 .....	1930.5(c)-(e)
53830 .....	1909	54605(a)-(c) .....	1932.5(c)-(e)
53835 .....	1910, 1st sent.	54605(d) .....	1933
53840 .....	1910, 2nd sent.	54700 .....	1300
53845 .....	1911	54710 .....	1301
53850(a) .....	1905	54750 .....	1320
53850(b) .....	1906	54755 .....	1321

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
54760	1322	55310	1655(c)
54765	1323	55315	1653(c)
54770	1324	55320	1653(d)-(f)
54800(a)-(c)	1345	55325	1653(g)
54800(d)	1346	55350	1654(a)
54805	1347	55355	1654(c)(1)
54810	1356	55360	1654(c)(2)
54815	1348	55365	1654(c)(3)
54820	1354	55370	1654(d)
54825	1348.1	55500	2600
54830	1348.2	55505	2601
54835	1348.3(a)(1), (a)(3), (b)	55510	2602
54840	1349	55525	2620
54845	1350(b)	55530	2621
54850	1350(c)	55535	2622
54855	1350(a)	55540	2623
54860	1353	55545	2624
54865	1351	55550	2625
54870	1355	55555	2626
54875	1352	55560	2627
54880	1352.5	55600	2640
54885	1375	55605	2641
54900	1360	55610	2642
54905	1361(b)-(j)	55615	2643
54910	1362	55620	2644
54915	1372	55625	2644.5
54925	1363(a)	55630	2645
54930	1363(b)	55635	2646
54935	1370	55640	2647
54940(a)-(b)	1363(d)-(e)	55645	2648
54940(c)	1364	55650	2649
54945	1363(c)	55655	2650
54950	1367	55660	2651
54955	1363(f)	55700	2700
54960	1365	55705	2701
54965	1366	55710	2702
54970	1368	55725	2720
54975	1369	55730	2721
55100	1650	55735	2722
55105	1651	55740	2723
55110	1654(b)	55745	2724
55115	1656	55750	2725
55120	1657	55755	2726
55150	1655(a)	55760	2727
55155	1655(b)	55765	2728
55160	1655(d)	55770	2729
55200	1652(a)	55800	2780
55205	1652(b)	55805	2781
55210	1655(c)	55825	2785
55215	1652(c)	55830	2786
55220	1652(d)	55835	2787
55225	1652(e)	55840	2788
55230	1652(f)	55845	2789
55300	1653(a)	55850	2790
55305	1653(b)	55855	2791

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
55860	2792	56555	3404(a)
55865	2793	56560	3408
55870	2794	56575	3401(a), 2nd sent.
55875	2795	56580	3401(a), 3rd sent.
55880	2796	56585	3407
55885	2797	56590	3406(b)
55890	2798	56595	3401(b)
55895	2799	56700	3460(a)
55900	2799.5	56705	3461
55905	2799.6	56710	3462
56000	1750	56715	3464
56005	1755	56720	3466
56010	1756	56725	3465
56025	1758	56730	3460(b)
56030	1764	56735	3460(c)
56035	12002.5	56740	3467
56050	1760	56800	2930
56055	1761	56805	2931(a)
56060	1762	56810	2940
56065	1763	56815	2941
56070	1767.5	56820	2945
56075	1768	56825	2942(a)(2)
56080	1765	56850	2932
56085	1766	56855	2932.2
56090	1769	56860	2932.3
56100	1770	56865	2932.5
56105	1771	56900	2931(b)-(c)
56110	1772	56905	2942(a)(3)(B)
56200	1570	56910	2942(a)(1)
56205	1571	56915	2942(a)(3)(A)
56225	1572(a), 1st sent.	56920	2933
56230	1572(a), 2nd sent.	56925	2942(c)
56235	1573(g)	56930	2942(b)(1)
56240	1572(d)	56935	2943
56245	1573(a)	56940	2942(b)(2)
56250	1573(f)	56945	2931(d)
56255	1573(c)	57000	1400
56260	1573(d)	57005	1401
56265	1573(e)	57510	1402
56270	1572(b), 1st sent.	57515	1403
56275	1574	57520	1404
56280	1573(b)	57525	1405
56285	1572(b), 2nd sent.	57550	1410
56290	1572(e)	57555	1411(a), 2nd sent.
56325	1572(c)(1)	57560	1411(c)
56330	1572(c)(2)	57565	1413
56335	1572(c)(3)	57570	1414
56340	1572(f)	57575	1415
56500	3400	57580	1416
56525	3401(a), 1st sent.	57585	1417
56530	3402	57590	1418
56535	3406(a)	57595	1420
56540	3404(b)	57600	1421
56545	3403	57605	1422
56550	3406(c)	57625	1430, 1st sent.

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
57630	1431, 1st sent.	58975	10827
57635	1430, 2nd sent.	59000	10828
57640	1431, 2nd sent.	59025	10829
57645(a)	1411(a), 1st sent.	59050	10830
57645(b)	1411(b)	59075	10831
57650	1412	59100	10832
57655	1419	59125	10835
57700	1385	59150	10836
57705	1386	59175	10837
57710	1389	59180(a)	10662
57725	1387	59180(b)	10663
57730	1388	59200	10838
57735	1390	59225	10840
57740	1391	59230	10659
57775	2003.5	59250	10843, 1st para.
57780	2003.6	59255	10843, 2nd para.
58000	711.1(a)	59275	10842
58005	711.1(b)	59280	10665, 1st para.
58010	711.1(c)	59285	10665, 2nd para.
58015	711.1(d)	59300	10833
58050	13014(a)	59305	10650
58055	13014(b)	59310	10651
58060	13014(c)-(d)	59315	10652
58075	2900	59350	10841
58080	2901	59400	10509
58500	10502(b)-(d)	59425	10770
58505	10503(a)-(c)	59450	10771
58515	10508	59455	10653
58520	10510	59460	10654
58525	10511	59500(a)	10500(d)
58530	10501.5	59500(b)	12002(b)(6) (waterfowl refuge)
58550(a)	10500(c)	59525	10860
58550(b)	12002(b)(6) (fish refuge)	59550	10861
58555	10502(a) (fish refuge)	59600(a)	10500(f)
58625	10801	59600(b)	12002(b)(6) (marine life refuge)
58630	10660	59625	10900
58700(a)	10500(a)-(b)	59650	10903
58700(b)	12002(b)(6) (game refuge)	59655	10502.7
58705	10513	59670	10656
58710	10502(a) (game refuge)	59675	10661
58715(a)	10503(d)	59700	10932
58715(b)	10504	59705	10502.8
58715(c)	10505	59710	10655.5
58720	10506	59715	10655
58725	10507	59750	10913
58730	10512	59775	10907
58735	10514	59780	10502.6
58740	10844	59785	10667(a)
58800(a)	10820	59790	10667(b), 1st sent.
58825	10821	59795(a)	10667(b), 2nd-4th sent.
58850	10822	59795(b)	10667(d)
58875	10823	59795(c)	10667(e), 1st sent.
58900	10824	59795(d)	10667(e), 2nd sent.
58925	10825	59800	10667(c)
58950	10826	59825	10908

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
59830 .....	10664 (Doheny Beach)	60655 .....	1528, 2nd sent.
59850 .....	10901	60660 .....	1528, 3rd sent.
59855 .....	10502.5, 1st sent.	60665 .....	1528, 4th-5th sent.
59860 .....	10657.5, 1st para.	60670 .....	1528, 6th sent.
59865(a)-(b) .....	10657	60675 .....	1529
59865(c) .....	10502.5, 2nd sent.	60680 .....	1504(a)-(c), (e)-(g)
59865(d) .....	10657.5, 2nd para.	60685 .....	1506(except (a)(3))
59900 .....	10912	60700 .....	1500
59905 .....	10664 (Irving Coast)	60705 .....	1500.5
59925 .....	10909	60710 .....	1745.2
59930 .....	10666	60715 .....	1526.4
59950 .....	10904	60720 .....	1014
59955 .....	10664 (Laguna Beach)	60750 .....	1580, 1st sent.
59975 .....	10905	60755 .....	1584
59980 .....	10664 (Newport Beach)	60760 .....	1580, 2nd-3rd sent.
60000 .....	10911	60765 .....	1580, 4th sent.
60005 .....	10664 (Niguel)	60770 .....	1581
60025 .....	10910	60775 .....	1582
60030 .....	10664 (Point Fermin)	60780 .....	1583
60050 .....	10902	60785 .....	1585
60055 .....	10658	60790 .....	1580, 5th sent.
60075 .....	10906	60850 .....	1586
60080 .....	10664 (South Laguna Beach)	60855 .....	1587
60200(a) .....	10500(e)	60900 .....	1505
60200(b) .....	12002(b)(6) (quail refuge)	60950 .....	10740
60225 .....	10880	60955 .....	10741
60250 .....	10881	62000 .....	2050
60300(a) .....	10500(g)	62005 .....	2051
60300(b) .....	12002(b)(6) (clam refuge)	62010 .....	2052
60325 .....	10711	62015 .....	2052.1
60400 .....	2850	62020 .....	2053
60405 .....	2851	62025 .....	2054
60410(a)-(d) .....	2852	62030 .....	2055
60415 .....	2850.5	62035 .....	2056
60420 .....	2863	62100 .....	2060
60450 .....	2860	62105 .....	2068
60455 .....	2862	62110 .....	2061
60475 .....	2853(a)-(b)	62115 .....	2062
60480 .....	2853(c)	62120 .....	2063
60500 .....	2855	62125 .....	2064
60505 .....	2856	62130 .....	2065
60510 .....	2854	62135 .....	2067
60515 .....	2858	62200 .....	2070
60520 .....	2859	62205 .....	2071.5
60525 .....	2857	62210 .....	2078
60530 .....	2861(a)	62250 .....	2071
60535 .....	2861(b)	62255 .....	2072
60550 .....	1590	62260 .....	2072.3
60555 .....	1591	62265 .....	2073
60600 .....	1525	62270 .....	2073.3
60605 .....	1526	62275 .....	2072.7
60610 .....	1527	62280 .....	2073.5
60625 .....	1530, 1st para.	62285 .....	2073.4
60630 .....	1530, 2nd para.	62290 .....	2073.7
60650 .....	1528, 1st sent.	62350 .....	2074

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
62355	2074.2(a), 1st sent.	63200	2081.5, intro. cl.
62360(a)	2074.2(a), 2nd sent.	63205	2081.5(a)
62360(b)-(c)	2074.2(b)	63210	2081.5(b)-(c)
62365	2074.2(c)	63300	2081.7(a)
62370	2074.2(d)	63305	2081.7(b)-(d)
62375	2074.2(e)-(f)	63310	2081.7(e)(1)-(3)
62380	2074.4	63315	2081.7(e)(4)
62400	2074.6, 1st sent.	63320	2081.7(f)
62405(a)	2074.6, 2nd sent., 1st part	63325	2081.8
62405(b)	2074.6, 4th sent.	63350	2080.2
62405(c)	2074.6, 5th sent.	63355	2080.3
62410	2074.6, 3rd sent.	63360	2080.4
62415	2074.6, 2nd sent., 2nd part	63400	2081.4
62420	2074.8	63450	2081.6
62450	2075	63455	2081.10
62455	2075.5(a), 1st sent.	63500	2081.9
62460(a)	2075.5(a), 2nd sent.	63600	2081.2(a)
62460(b)-(c)	2075.5(b)	63605	2081.2(b)
62465	2075.5(c)	63610	2081.2(e)
62470	2075.5(d)	63615	2081.2(c)
62475	2075.5(e)	63620	2081.2(f)(1)
62480	2076	63625	2081.2(d)
62485	2076.5	63630	2081.2(f)(3)
62500	2077(a)	63635	2081.2(g)
62505	2077(b)	63640	2081.2(f)(2)
62510	2077(c)	63700	2087
62515	2077(e)	63705	2089
62520	2077(d)	63710	2088, 1st part
62525	2079	63715	2088, 2nd part
62600	2080	63720	2089.22(b)
62605	2085	63750	2086(a)
62650	2081(a)	63755	2086(b)
62655	2083, 1st cl.	63760	2086(c)
62665	2084	63765	2086(d)(1)
62670	2081.1	63770	2086(d)(2)
62675	2082	63775	2086(e)
62680	2083, 2nd cl.	63780	2086(f)
62700	2081(b)-(d)	63900	2089.2(a)
62705	2080.1	63905	2089.2(b)
63000	2069(a), intro. cl.	63910	2089.4
63005	2069(a)(1)	63915	2089.2(c)-(d)
63010	2099(a)(1)	63920	2089.25
63010	2099.5	63925	2089.24
63015	2069(a)(2)	63930	2089.22(a)
63015	2099(a)(2)	63935	2089.26
63050	2069(b)	63950	2089.6
63055	2069(c)	63955	2089.7
63065	2069(d)-(e)	64000	2089.8
63070	2069(f)(1)	64005	2089.9
63075	2069(f)(2)	64010	2089.20(a)-(c)
63080	2069(g)	64015	2089.10
63100	2099(b)	64020	2089.12(a)
63105	2099(c)	64025	2089.12(b)
63110	2099(d)	64030	2089.16
63115	2099.5	64035	2089.14

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
64040	2089.18	64805	1857
64045	2089.20(d)-(e)	64810	1861
64050	2089.23	64815	1859
64100	2098	64820	1860
64150	12008(a)	64850	1851(k), 4th-5th sent.
64155	12008.1(a)	64855	1853(a)
64160	12008.1(b)	64860	1853(c)
64400	705	64900	1852(b)
64500	2800	64905	1851(l), 2nd-3rd sent.
64505	2801	64910	1852(c)
64510	2802	64915	1852(e)
64515	2805	64920	1853(b)
64520	2825	64925	1852(d)
64525	2089.22(b)	64930	1854(e)
64530	2829	64935	1852(a)
64550	2809	64960	1854(c)(1)
64555	2810(a), 1st sent.	64965	1854(c)(2)
64560(a)-(i)	2810(b)	64970	1854(c)(3)
64560(j)	2810(a), 2nd sent.	64975	1854(c)(4)
64565	2820(b)	64980	1854(c)(5)
64570	2815	64985	1854(c)(6)
64575	2810(d)	64990	1855(e)
64580	2820(a)	64995	1854(d)
64585	2810(c)	65000	1854(a)
64600	2821	65050	1855(a)
64605	2835	65055	1855(b)
64610	2820(f)	65060	1855(c)
64615	2826	65100	1856(a)
64620	2820(e)	65105	1856(b)
64625	2820(d)	65110	1856(c)
64630	2827	65115	1856(d)
64635	2822	65120	1856(e)
64640	2823	65125	1856(f)
64645	2820(c)	65130	1856(h)
64650	2828	65135	1856(g)
64655	2830	65140	1856(i)
64660	2831	65145	1856(j)
64700	1850	65150	1855(d)
64705	1854(b)	65155	1856(k)
64710	1851, intro. cl.	65300	1797
64715	1851(a)	65305	1797.5, intro. cl.
64720	1851(b)	65310	1797.5(a)
64725	1851(c)	65315	1797.5(b)
64730	1851(d)	65320	1797.5(c)
64735	1851(e)	65325	1797.5(d)
64740	1851(f)	65330	1797.5(e)
64745	1851(g)	65335	1797.5(f)
64750	1851(h)	65340	1797.5(g)
64755	1851(i)	65345	1797.5(h)
64760	1851(j)	65400	1798.7
64765	1851(k), 1st-3rd sent.	65450	1798(a)
64770	1851(l), 1st sent.	65455	1798(b)
64775	1851(m)	65460	1798(c)-(d)
64780	1851(n)	65465	1798(e)
64800	1858	65470	1798(f)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
65500 .....	1798.5(a)(1)	66205 .....	711.4(c)(1), (3)
65505 .....	1798.5(a)(2)	66210 .....	711.4(c)(2)
65510 .....	1798.5(b)	66215 .....	711.4(d)
65515 .....	1798.5(c)-(d)	66220 .....	711.4(e)(1)
65520 .....	1798.5(e)	66225 .....	711.4(e)(2)-(3)
65525 .....	1798.5(f)	66230 .....	711.4(f)
65530 .....	1798.5(g)	66235 .....	711.4(g)
65535 .....	1798.5(h)	66240 .....	711.4(h)
65550 .....	1798.6(a)	66245 .....	711.4(i)
65555 .....	1798.6(b), 1st-4th sent.	66250 .....	711.7
65560 .....	1798.6(c)(1)	66500 .....	5650(a)
65565 .....	1798.6(c)(2)-(3)	66505 .....	5650(b)
65570 .....	1798.6(c)(4), (d)	66510 .....	5650(c)-(f)
65575 .....	1798.6(e)	66525 .....	5652
65580 .....	1798.6(f)	66550 .....	5650.1(a)-(c)
65585 .....	1798.6(b), 5th sent.	66555 .....	5650.1(i)
65590 .....	1798.6(g)	66565 .....	5650.1(j)
65600 .....	1798.6(h)	66570 .....	5650.1(h)
65650 .....	1799(a)	66575 .....	5650.1(d)-(g)
65655 .....	1799(b)	66600 .....	12002(b)(4)
65660 .....	1799(c)	66605 .....	12011
65665 .....	1799(d)	66700 .....	5651
65670 .....	1799(e)	66705 .....	12015
65675 .....	1799.1(a)	66710 .....	5655
65680 .....	1799.1(b)	66715 .....	12016
65685 .....	1799.1(c)	66800(a)-(d) .....	5654(a)(1)
65690 .....	1799.1(d)	66800(e) .....	5654(a)(2)
65800 .....	1775	66805 .....	5654(b)
65805 .....	1776	66810 .....	5654(d)
65810 .....	1776.5	66820 .....	5654(e)
65815 .....	1780	66825 .....	5654(c)
65820 .....	1781	66830 .....	5654(f)
65850 .....	1777	66835 .....	5654(g)
65855 .....	1777.2	66840 .....	5654(h)
65860 .....	1777.5	67000 .....	6600
65865 .....	1778	67005 .....	6601
65870 .....	1778.5	67010 .....	6602
65875 .....	1779	67015 .....	6605(a)
65880 .....	1779.5	67050 .....	6603(a)-(c)
65950 .....	1784(a)-(b)	67055 .....	6603(d)
65955 .....	1784(c)-(e)	67060 .....	6603(e)
65960 .....	1785, 1st sent.	67065 .....	6604
65965 .....	1785, 2nd sent.	67070 .....	6605(b)
65970 .....	1786(a)	67075 .....	6605(c)
65975 .....	1786(b)	67080 .....	6603(f)
65980 .....	1787	67100 .....	6610
66050 .....	1790	67105 .....	6611
66055 .....	1791	67110 .....	6612(a)
66060 .....	1792	67115 .....	6612(b)
66065 .....	1792.5	67120 .....	6612(c)
66100 .....	1793	67125 .....	6612(d)
66105 .....	1794	67150 .....	6613(a)
66110 .....	1795	67155 .....	6613(b)
66115 .....	1796	67160 .....	6613(c)
66200 .....	711.4(a)-(b)	67165 .....	6613(d)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
67170	6613(e)	68400	5930
67175	6613(f)	68405	5931
67180	6613(g)	68410	5932
67200(a)	6614(a)	68500	5933, 1st sent.
67200(b)	6614(b), 1st sent.	68505	5933, 2nd sent.
67205	6614(b), 2nd. sent.	68510	5933, 3rd sent.
67210	6614(c)	68515	5934
67215	6614(d)	68520	5933, 4th-5th sent.
67220	6614(e)	68600	5946
67225	6614(f)	68605	5947
67250	6615	68650	5938
67255	6616	68655	5939
67260	6617	68660	5940
67265	6618	68665	5941
67270	6619	68670	5942
67275	6620	68675	5945
67280	6621	68800	5980
67400	1016(a), def. in 1st sent.	68850	5981
67400	1016(b), def. in 1st sent.	68855	5982
67405	1016(a), except def. in 1st sent.	68860	5990
67410	1016(b), except def. in 1st sent.	68865	5988
67415	1016(c)	68870	5989
67420	1016(d)	68875	5991
67500	13010	68900	5983
67505(a)	13011	68905	5984
67505(b)	12017(a)(2)-(6)	68910	5985
67505(c)	5656	68915	5986
67510	12017(b)	68920	5987
67515	12017(c)-(f)	68925	5992
67520	13012	68930	5993
67525	13013	69000	6020
67530	13230	69050	6021
67535	13231	69055	6026
68000	5900	69060	6022
68050	5902	69065	6023
68055	5903	69070	6024
68060	5904	69075	6025
68100	5948	69080	6027
68105	5901	69085	6028
68110	12025.1(a)	69200	1018
68115	12025.1(b), 1st part	69250	11036, 4th para.
68115	12025.1(c), 1st part	69500	6100(a)
68120	12025.1(b), 2nd part	69505	6100(b)
68125	12025.1(c), 2nd part	69510	6100(c)
68130	12025.1(d)	69515	6100(d)
68135	12025.1(e), 1st part	69550	12025.2
68135	12025.1(f), 1st part	69700	1600
68140	12025.1(e), 2nd part	69705	1601
68145	12025.1(f), 2nd part	69710	1602(e)
68150	12025.1(g)	69715	1607
68300	5936	69720	1616
68305	5935	69750	1602(a)
68310	5937	69775	1608
68315	5943	69780	1609
68320	5944	69785	1602(c)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
69790 .....	1613	71515 .....	3800(b)(3), 3rd sent.
69795 .....	1603(a), 1st-4th sent.	71520 .....	3005(b)(3), 5th sent.
69800 .....	1606	71520 .....	3800(b)(3), 5th sent.
69805 .....	1603(a), 5th-7th sent.	71525 .....	3005(b)(4)
69810 .....	1603(a), 8th sent.	71525 .....	3800(c)
69815 .....	1614	71530 .....	3005(b)(5)
69850 .....	1605(a)	71530 .....	3800(b)(4)
69855 .....	1605(b)-(c)	71700 .....	5801
69860 .....	1605(d)	71705 .....	5803
69865 .....	1605(e)	71710 .....	5802
69870 .....	1605(f)	71750 .....	5800(a)
69875 .....	1605(g)	71755 .....	5800(b)
69880 .....	1605(h)	71760 .....	5800(c)
69885 .....	1612	71765 .....	5800(d)
70050 .....	1603(b), 1st-2nd sent.	72000 .....	703(b)
70055 .....	1603(b), 3rd-5th sent.	72200 .....	12029(a)
70060 .....	1603(b), 6th sent.	72205 .....	12029(b)
70065 .....	1603(b), 7th, 8th sent.	72210 .....	12029(c)
70070 .....	1603(b), 9th sent.	72215 .....	12029(d)
70075 .....	1604	72500 .....	308.5
70150 .....	1610	72800 .....	3470
70155 .....	1602(b)	72805 .....	3471
70160 .....	1611	72810 .....	3472
70165 .....	1602(d)	72815 .....	3472.1
70170 .....	1617	72820 .....	3472.2, 1st sent.
70250 .....	1615(a)-(c)	72825 .....	3472.2, 2nd sent.
70255 .....	1615(d)-(e)	not cont'd .....	90
70260 .....	1615(f)	not cont'd .....	90.1
70275 .....	12007 (streambed alteration)	not cont'd .....	398, 2nd cl.
71000(a) .....	5653.5	not cont'd .....	456, 2nd sent.
71000(b) .....	5653.8	not cont'd .....	1053.1(b)
71000(c) .....	5653(g), 1st sent.	not cont'd .....	1055.1(h)
71005 .....	5653(g), 2nd sent.	not cont'd .....	1055.6(e)
71010 .....	5653.9	not cont'd .....	1061(f)
71050 .....	5653(a), 1st sent.	not cont'd .....	1348.3(a)(2)
71055 .....	5653(c), 1st sent.	not cont'd .....	1361(a)
71060 .....	5653.7	not cont'd .....	2099.20
71065 .....	5653(e)	not cont'd .....	2100
71070 .....	5653(c), 3rd sent.	not cont'd .....	3270(b)
71075 .....	5653.3	not cont'd .....	3682.1(c)
71200(a) .....	5653(a), 2nd sent.	not cont'd .....	3700.1(c)
71200(b) .....	5653(b)	not cont'd .....	3702.5, 2nd sent.
71205 .....	5653(c), 2nd sent.	not cont'd .....	3704, 2nd para.
71255 .....	5653(d)	not cont'd .....	3704.5, 2nd para.
71260 .....	5653(f)	not cont'd .....	4332(e)
71280 .....	5653.1	not cont'd .....	4656
71500(a) .....	3005(b)(3), 1st sent.	not cont'd .....	6425(a)
71500(a) .....	3800(b)(3), 1st sent.	not cont'd .....	6596.1(e)
71500(b) .....	3005(b)(3), 2nd sent.	not cont'd .....	7149.05(c)
71500(b) .....	3800(b)(3), 2nd sent.	not cont'd .....	7149.45(c)
71505 .....	3005(b)(3), 4th sent.	not cont'd .....	7180.1(d)
71505 .....	3800(b)(3), 4th sent.	not cont'd .....	7181.1(b)
71510 .....	3005(b)(1)-(2)	not cont'd .....	7182.1(b)
71510 .....	3800(b)(1)-(2)	not cont'd .....	7183.1(c)
71515 .....	3005(b)(3), 3rd sent.	not cont'd .....	7184.1(c)

<i>Proposed Provision</i>	<i>Existing Provision(s)</i>	<i>Proposed Provision</i>	<i>Existing Provision(s)</i>
not cont'd .....	7186.1(c)	not cont'd .....	8247.3
not cont'd .....	8025(b)	not cont'd .....	8276.5(a)(8)
not cont'd .....	8031(a)(2)-(3)	not cont'd .....	8280.1(e)
not cont'd .....	8031(b)	not cont'd .....	8558.1(b)
not cont'd .....	8033.5(b)	not cont'd .....	8601.6(b)
not cont'd .....	8034(b)	not cont'd .....	8606(d)
not cont'd .....	8036(b)	not cont'd .....	8610.13 (refs to 8610.8)
not cont'd .....	8037(b)	not cont'd .....	8625(d)
not cont'd .....	8043.1(d)	not cont'd .....	8626(d)
not cont'd .....	8047(b), 4th sent.	not cont'd .....	12000(b)(2)
not cont'd .....	8051.4(b)		

---

## DISTRICT RENUMBERING

The table below shows the proposed new names for each existing Fish and Wildlife District.

<i>Existing District</i>	<i>Proposed District</i>	<i>Existing District</i>	<i>Proposed District</i>
1 .....	2505	12 .....	2600
1 3/8 .....	2510	13 .....	2605
1 1/2 .....	2515	16 .....	2610
1 3/4 .....	2520	17 .....	2615
2 .....	2525	18 .....	2620
2 1/4 .....	2530	19 .....	2625
2 1/2 .....	2535	19A .....	2630
3 .....	2540	19B .....	2635
3 1/2 .....	2545	20 .....	2640
4 .....	2550	20A .....	2645
4 1/8 .....	2555	21 .....	2650
4 1/2 .....	2560	22 .....	2655
4 3/4 .....	2565	23 .....	2660
6 .....	2570	25 .....	2665
7 .....	2575	Klamath River District .....	2670
8 .....	2580	Trinity and Klamath River District .....	2675
9 .....	2585	118 .....	2680
10 .....	2590	118.5 .....	2685
11 .....	2595		