

Study R-100

November 10, 2022

First Supplement to Memorandum 2022-54

Fish and Game Law: Draft Recommendation

In this study, the Commission¹ has been directed by the Legislature to recommend technical improvements to the Fish and Game Code, without making any significant substantive change to the law's effect.²

In response to that directive, in December 2018 the Commission distributed a tentative recommendation that would have recodified the existing Fish and Game Code in a proposed new Fish and Wildlife Code.³ The Commission received extensive public comment on the statutory revisions proposed in the tentative recommendation from both the Fish and Game Commission ("FGC") and the Department of Fish and Wildlife ("DFW").⁴

Thereafter, the Commission decided to incorporate the received public comment in amendments of the existing code, rather than proposing a new recodified code.⁵

A draft final recommendation to the Legislature, containing all proposed amendments of the existing code approved by the Commission to date, has been presented to the Commission for consideration at its next meeting.⁶ This supplement presents additional proposed amendments for the Commission's

1. Any California Law Revision Commission document referred to in this supplement can be obtained from the Commission. Recent materials can be downloaded from the Commission's website (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.

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

3. See Memorandum 2018-67 and its First Supplement; Minutes (Dec. 2018), p. 10.

4. The initial public comment from those entities received on the revisions proposed in this memorandum is reproduced in the attached Exhibit.

5. See Memorandum 2021-11; Minutes (Feb. 2021), p. 5; Memorandum 2022-28; Minutes (May 2022), p. 3.

6. See Memorandum 2022-54, scheduled to be considered by the Commission at its meeting on November 17, 2022.

consideration, which if approved could be added to a final recommendation to the Legislature.⁷

Consistent with past practice in this study, the staff proposes that following an opportunity for discussion, **the proposed amendments in this supplement be voted on by the Commission at the upcoming meeting on a consent basis, without individual oral presentation.**

Unless otherwise indicated, all statutory references in the supplement are to the existing Fish and Game Code, or to the proposed Fish and Wildlife Code as set out in the Commission's previously distributed tentative recommendation.

ADDITIONAL PROPOSED REVISIONS

The revisions presented below have been approved in principle (although not in final form) by DFW, and have not been objected to by FGC. **The staff recommends that the Commission approve each of the proposed amendments below for inclusion in its final recommendation to the Legislature in this study.**

Existing Section 1500.5 (Proposed Section 60705)

§ 1500.5 (amended). Mineral rights

1500.5. ~~With respect to exchanging or selling any~~ (a) The following rules govern an exchange or sale of property pursuant to Section 1500, the director, with respect to any parcel containing :

(1) If a parcel contains 15 acres or less, the director shall except and reserve to the state all mineral deposits, as defined in Section 6407 of the Public Resources Code, below a depth of 500 feet, without surface rights of entry. As to any parcel containing

(2) If a parcel contains more than 15 acres, the director shall except and reserve to the state all mineral deposits, as defined in Section 6407 of the Public Resources Code, together with the right rights to prospect for, mine, and remove the deposits. The

~~—~~The rights to prospect for, mine, and remove shall be limited to those areas of the property conveyed which that the director, after consultation with the State Lands Commission, determines to be reasonably necessary for the removal of the resources and deposits.

7. This supplement includes recommendations to include in or exclude from the draft recommendation proposed revisions of four existing code sections that were included in the cumulative draft of proposed revisions attached as an Exhibit to Memorandum 2022-47, based on subsequent evaluation of those revisions and/or discussion with DFW. Recommended for inclusion in the draft recommendation is proposed revision of Section 4004; recommended for exclusion is proposed revision of Sections 2001, 3040, and 3701.

(b) For the purposes of this section, the mineral deposits reserved to the state are those described in Section 6407 of the Public Resources Code.

Comment. Section 1500.5 is amended for clarity.

The section is also amended to add subdivision and paragraph designations.

Existing Section 1608 (Proposed Section 69775)

§ 1608 (amended). Information provided to entity submitting notification

1608. The department shall provide any entity that submits a notification pursuant to subdivision (a) of Section 1602 with all of the following information:

(a) The time period for review of the notification.

(b) An explanation of the entity's right to object to any measures proposed by the department.

(c) The time period within which objections may be made in writing to the department.

(d) The time period within which the department is required to respond, in writing, to the entity's objections.

(e) An explanation of the right of the entity to arbitrate any measures in a draft agreement.

(f) The procedures and statutory timelines for arbitration, including, but not limited to, information about the payment requirements for arbitrator fees.

(g) The current schedule of fees to obtain an agreement.

Comment. The introduction of Section 1608 is amended to narrow an overbroad cross-reference.

Existing Section 1909 (Proposed Section 53830)

§ 1909 (amended). Enforcement authority

1909. (a) When any power or authority is given by any provision of this chapter to any person, it may be exercised by any deputy, inspector, or agent duly authorized by ~~such~~ that person.

(b) Any person in whom the enforcement of any provision of this chapter is vested has the power of a peace officer as to ~~such~~ the enforcement, ~~which shall include~~ of that provision. This subdivision applies to any state and or federal agencies, and the State of Nevada, the State of Oregon, or the State of Arizona, with which cooperative agreements have been made by the department to enforce any provisions of this chapter.

Comment. Section 1909 is amended for clarity.

The section is also amended to add subdivision designations.

Existing Section 2074.6 (Proposed Section 62400)

§ 2074.6 (amended). Department review

2074.6. (a) ~~The~~ If the Commission accepts a petition for consideration, the department shall promptly commence a review of the status of the species concerned in the petition.

(b) Within 12 months of the date of publication of a notice of acceptance of a petition for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publicly available on the department's Internet Web site a final written peer reviewed report, based upon the best scientific information available to the department, which indicates whether the petitioned action is warranted, which includes a preliminary identification of the habitat that may be essential to the continued existence of the species, and which recommends management activities and other recommendations for recovery of the species.

(c) Prior to releasing the final written report, the department shall have a draft status review report prepared and independently peer reviewed, and upon receiving the peer reviewers' input, shall evaluate and respond in writing to the independent peer review and shall amend the draft status review report as appropriate.

(d) The revised report shall be posted on the department's Internet Web site for a minimum of 30 days for public review prior to the hearing scheduled pursuant to Section 2075.

(e) The commission may grant an extension of up to six months if the director determines an extension is necessary to complete independent peer review of the report, and to provide a minimum of 30 days for public review of the peer reviewed report prior to the public hearing specified in Section 2075.

Comment. Subdivision (a) of Section 2074.6 is amended to clarify the application of the section.

The section is also amended to add subdivision designations.

Existing Section 2076 (Proposed Section 62480)

§ 2076 (amended). Unlawful activity in District 10

2076. Any finding pursuant to this ~~section~~ article is subject to judicial review under Section 1094.5 of the Code of Civil Procedure.

Comment. Section 2076 is amended to correct an erroneous cross-reference.

Existing Section 2081.2 (Proposed Section 63610)

§ 2081.2 (amended). Permit application fee

2081.2. (a) For purposes of this section, the following terms have the following meanings:

(1) "Permit" means any authorization issued by the department pursuant to this article to take a species listed by this chapter as candidate, threatened, or endangered. The term includes a consistency determination pursuant to Section 2080.1 and a concurrence determination pursuant to Section 2080.3 or 2080.4.

(2) "Permit application" means an application for a permit, an amendment to a permit, or a renewal of a permit. The term includes a consistency determination request pursuant to Section 2080.1 and a concurrence determination request pursuant to Section 2080.3 or 2080.4.

(3) "Permittee" includes any individual, firm, association, organization, partnership, business, trust, corporation, limited liability company, district, city, county, city and county, town, federal agency, and the state who applies for or who has received a permit pursuant to this article.

(4) "Project" has the same meaning as defined in Section 21065 of the Public Resources Code.

(5) "Project cost" means the total direct and indirect project expenses that include, but are not limited to, labor, equipment, permanent materials and supplies, subcontracts, overhead, and miscellaneous costs. The term shall not include permit or license expenses or mitigation costs. For purposes of this paragraph, the term "permit" includes, but is not limited to, a permit as defined in paragraph (1).

(6) "Voluntary habitat restoration project" means a project that meets both of the following requirements:

(A) The project's primary purpose is voluntary habitat restoration and the project may have other environmental benefits, and the project is not required as mitigation due to a regulatory action.

(B) The project is not part of a regulatory settlement, a regulatory enforcement action, or a court order.

(b)(1) The department shall collect a permit application fee for processing a permit application submitted pursuant to this article at the time the permit application is submitted to the department. Notwithstanding Section 2098, upon appropriation to the department from the Endangered Species Permitting Account, the department shall use the permit application fee to pay for all or a portion of the department's cost of processing permit applications, permit development, and compliance monitoring pursuant to this article.

(2) This subdivision does not apply to any of the following:

(A) Activities or costs associated with the review of projects, inspection and oversight of projects, and permits necessary to conduct timber operations, as defined in Section 4527 of the Public Resources Code, in accordance with Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code.

(B) Permits or memoranda of understanding authorized by subdivision (a) of Section 2081.

(C) Permits for voluntary habitat restoration projects.

(c) The department shall assess the permit application fee as follows, subject to subdivision (f):

(1) For a project, regardless of estimated project cost, that is subject only to Section 2080.1, 2080.3, or 2080.4, the department shall assess either of the following amounts:

(A) Seven thousand five hundred dollars (\$7,500).

(B) Six thousand dollars (\$6,000), if the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this article.

(2) 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:

(A) Seven thousand five hundred dollars (\$7,500).

(B) Six thousand dollars (\$6,000), if the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this article.

(3) 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:

(A) Fifteen thousand dollars (\$15,000).

(B) Twelve thousand dollars (\$12,000), if the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this article.

(4) 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:

(A) Thirty thousand dollars (\$30,000).

(B) Twenty-four thousand dollars (\$24,000), if the project uses a department-approved conservation or mitigation bank to fulfill mitigation obligations pursuant to this article.

(5) 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.

(d)(1) If the permit application fee paid pursuant to subdivision (c) is determined by the department to be insufficient to complete permitting work due to the complexity of a project or the potential effects of a project, the department shall collect an additional fee of up to ten thousand dollars (\$10,000) from the permittee to pay for its estimated costs. Upon its determination, the department shall notify the permittee of the reasons why an additional fee is necessary and the estimated amount of the additional fee.

(2) The additional fee collected pursuant to paragraph (1) shall not exceed an amount that, when added to the fee paid pursuant to subdivision (c), equals thirty-five thousand dollars (\$35,000). The department shall collect the additional fee before a final decision on the permit application by the department.

(e)(1) For a permit application submitted to the department pursuant to this article on or after ~~the effective date of this section~~ September 13, 2016, the department shall collect the permit application fee at the time the permit application is submitted. The department shall not deem the permit application complete until it has collected the permit application fee. A permit application submitted or deemed complete before ~~the effective date of this section~~ September 13, 2016, shall not be subject to fees established pursuant to this section.

(2) If a permit application is withdrawn within 30 days after paying the permit application fee, the department shall refund any unused portion of the fee to the permittee.

(3) If a permit application is withdrawn after 30 days of paying the permit application fee, the department shall not refund any portion of the fee to the permittee.

(f)(1) The department shall adjust the fees in this section pursuant to Section 713.

(2) The Legislature finds that all revenues generated under this section and used for the purposes for which they were imposed are not subject to Article XIII B of the California Constitution.

(3) The department, at least every five years, shall analyze permit application fees pursuant to Section 713 to ensure the appropriate fee amounts are charged.

(g) Fees paid to the department pursuant to this section shall be deposited in the Endangered Species Permitting Account, which is hereby established in the Fish and Game Preservation Fund. Notwithstanding Section 2098, funds in the account shall be available to the department, upon appropriation by the Legislature, for the purposes of administering and implementing this chapter, except that fee moneys collected pursuant to this section shall only be used for the purposes of this article.

Comment. Paragraph (1) of subdivision (e) of Section 2081.2 is amended for clarity.

Existing Section 4004 (Proposed Sections 11005, 11010, 11020, and 11155)

§ 4004 (amended). Trapping restrictions

4004. It is unlawful to do any of the following:

(a) Use a steel-jawed leghold trap, or use any trap with saw-toothed or spiked jaws.

(b) Set or maintain ~~traps~~ a trap that ~~do~~ does not bear a number or other identifying mark ~~registered to the department or, in the case of federal, state, county, or city agency, bear the name of that agency,~~

~~except that traps as provided in this subdivision. If the trap is set pursuant to Section 4152 or 4180, it shall bear an identifying mark in a manner specified by the department. In all other cases, the trap shall bear a number or other identifying mark registered to the department, or, in the case of federal, state, county, or city agency, bear the name of that agency.~~ No registration fee shall be charged pursuant to this subdivision.

(c) Fail to visit and remove all animals from traps at least once daily. If the trapping is done pursuant to Section 4152 or 4180, the inspection and removal shall be done by the person who sets the trap ~~or~~ the owner of the land where the trap is set, or an agent of either.

(d)(1) Use a conibear trap that is larger than 6 inches by 6 inches, unless partially or wholly submerged in water. ~~Unless prohibited by the department as a permit condition~~

(2) Notwithstanding paragraph (1), a lawfully set conibear trap that is 10 inches by 10 inches or less may be set pursuant to subdivision (g) of Section 465.5 of Title 14 of the California Code of Regulations, unless prohibited by the department as a permit condition.

(e) When any conibear trap is set on publicly owned land or land expressly open to public use, fail to post signs at ~~every~~ each entrance and exit to the property indicating the presence of conibear traps and at least four additional signs ~~posted~~ within a radius of 50 feet of ~~the~~ each trap, one in each cardinal direction, with lettering that is a minimum of three inches high stating: "Danger! Traps Set For Wildlife. Keep Out." Signs required to be posted by this subdivision shall be maintained and checked daily.

(f) Kill any trapped mammal in accordance with this section by intentional drowning, injection with any chemical not sold for the purpose of euthanizing animals, or thoracic compression, commonly known as chest crushing. This subdivision ~~shall not be construed to prohibit~~ does not apply to the use of a lawfully set conibear ~~traps~~ trap that is set partially or wholly submerged in water for to trap beaver or muskrat, or the use of a lawfully set colony ~~traps~~ trap that is set in water for to trap muskrat.

Comment. Section 4004 is amended for clarity.

Existing Section 5800 (Proposed Section 71760, 71765)

§ 5800 (amended). Mining operations in Trinity and Klamath River Fish and Game District

5800. (a) It is unlawful to conduct any mining ~~operations~~ operation in the Trinity and Klamath River Fish and Game District between July ~~1st~~ 1 and November ~~30th~~ 30, except when the debris, substances, tailings or other effluent from ~~such~~ those operations do not and cannot pass into the waters in that district.

(b) It is unlawful between July ~~1st~~ 1 and November ~~30th~~ 30 to pollute, muddy, contaminate, or roil the waters of the Trinity and

Klamath River Fish and Game District. ~~It is unlawful between those dates , or to deposit in or cause, suffer, or procure to be deposited in, permit to pass into, or place where it can pass into, such those waters, any debris, substance or tailings from hydraulic, placer, milling, or other mining operation affecting the clarity of such those waters. The clarity of such those waters shall be deemed affected when such those waters at a point a distance of one mile below the confluence of the Klamath River and the Salmon River or at a point a distance of one mile below the confluence of the South Fork of the Trinity River and the Trinity River, contain fifty (50) parts per million, by weight, of suspended matter, not including vegetable matter in suspension and suspended matter occurring in the stream or streams due to an act of God.~~

(c) ~~It is unlawful, between July 1st 1 and November 30th 30 to carry on or operate any hydraulic mine of any kind on, along, or in any waters flowing into the Trinity and Klamath River Fish and Game District. However, nothing herein contained~~

~~(d) Nothing in this section shall prevent the operation of a hydraulic mine where the tailings, substance, or debris, or other effluent therefrom, from that mine does not or will not pass into the waters of the Trinity and Klamath River Fish and Game District, between such dates July 1 and November 30, and any person, firm, or corporation engaged in hydraulic mining shall have the right until the fifteenth day of July 15 to use water for the purpose of cleaning up.~~

~~(e) Any structure or contrivance which causes or contributes, in whole or in part, to the condition, the causing of which is in this section prohibited, that is used to violate this section is a public nuisance, and any .~~

~~(f) Any person, firm, or corporation maintaining or permitting it that maintains or permits a structure or contrivance used in violating this section is guilty of maintaining a public nuisance, and it .~~

~~(g) It is the duty of the district attorney of the county where the condition violation occurs or the acts creating the public nuisance occur, to bring an action to abate such that nuisance.~~

Comment. Section 5800 is amended for clarity.

Existing Section 5981 (Proposed Section 68850)

§ 5981 (amended). Installation of screen on conduits

5981. (a) ~~The department shall examine all conduits; and order the owner of a conduit to install, and it is the duty of such an owner to install, a screen on the conduit when, .~~ If in the opinion of the department, a screen is necessary to prevent fish from passing into the conduit, the department shall order the owner of the conduit to install a screen.

(b) Except as provided in Sections 5987, 5988 and 5989, one-half of the expense of constructing or installing a screen shall be paid by the owner of a conduit and one-half by the department.

Comment. Section 5981 is amended for clarity.

The section is also amended to add subdivision designations.

Existing Section 6023 (Proposed Section 69065)

§ 6023 (amended). Written notice and agreement

6023. (a) The department shall serve written notice upon each owner of its intention to install a fish screen, ~~and~~ .

(b) ~~The notice shall describe therein the distance downstream from the intake or in other manner~~ the location of the screen, the access required, and the amount of water required for the bypass. The location of the screen may be described by the distance downstream from the intake or by another method.

(c) ~~The notice shall be served upon the owner in duplicate, and in such form that the original copy upon signature .~~

(d) Once signed by the owner, the notice shall serve as an agreement to the installation of the screen or device under , according to the terms therein, and set out in the notice.

(e) The signed agreement shall require the owner to render such any assistance, other than mechanical repair or replacement of parts, necessary to keep the screen or device in satisfactory operating condition. The hiring of additional labor shall not be required for such that assistance.

Comment. Section 6023 is amended for clarity.

The section is also amended to add subdivision designations.

Existing Section 6100 (Proposed Section 69505)

§ 6100 (amended). Diversion deleterious to salmon or steelhead

6100. (a) Notwithstanding any provision of Article 3 (commencing with Section 5980) and Article 4 (commencing with Section 6020), on or after January 1, 1972, any new diversion of water from any stream having populations of salmon and steelhead that is determined by the department to be deleterious to salmon and steelhead shall be screened by the owner.

(b) The construction, operation, or maintenance costs of any screen required pursuant to this article shall be borne by the owner of the diversion.

~~(b) The department within 30 days of providing written notice to the owner that~~ (c) If the department has determined that the a diversion is deleterious to salmon and steelhead pursuant to subdivision (a), or within the time determined by mutual written agreement, shall submit to the owner its proposals as to measures

~~necessary to protect the salmon and steelhead~~ it shall provide written notice of its determination to the owner.

~~(d)~~ The department shall notify the owner that ~~it~~ the department shall make onsite investigation and shall make any other investigation before it shall propose any measures necessary to protect fishlife.

~~(e)~~ Within 30 days of providing notice under this section, or within a time determined by mutual written agreement, the department shall submit to the owner its proposals as to measures necessary to protect the salmon and steelhead.

~~(e)~~ ~~(f)~~ The department, or any agency of the state, shall provide the owner of the diversion any available information that is required by the owner in order to comply with the provisions of this article.

~~(d)~~ ~~(g)~~ The diversion shall not commence until the department has determined that measures necessary to protect fishlife have been incorporated into the plans and construction of the diversion.

Comment. Section 6100 is amended for clarity.

Existing Section 6652 (Proposed Section 54055)

§ 6652 (amended). Weight records

6652. ~~(a)~~ Every person engaged in harvesting kelp shall determine the weight ~~by any method, including the displacement method, approved by the department~~ of all wet kelp, immediately after it is delivered to the licensee's place of business or elsewhere, ~~and the~~ . The weight shall be entered in a book to be kept by the licensee. The book shall be open at all times to the inspection of the department.

~~(b)~~ The weight shall be determined by any method approved by the department, including the displacement method.

~~(c)~~ Every person engaged in harvesting kelp shall, on or before 10 days after each month of the term of the license, ~~render~~ deliver to the department a statement of the weight of all wet kelp harvested during the preceding month.

Comment. Section 6652 is amended for clarity.

The section is also amended to add subdivision designations.

Existing Section 8399.1 (Proposed Section 51405)

§ 8399.1 (amended). Unlawful activity in District 10

8399.1. (a) In District 10, it is unlawful to engage in the following activities:

(1) Attract squid by a light displayed from any vessel, except a vessel deploying nets for the take, possession, and landing of squid or from the seine skiff of the vessel deploying nets for the take, possession, and landing of squid.

(2) Attract squid by a light displayed from any vessel whose primary purpose is not the deployment, or assisting in the deployment, of nets for the take, possession, and landing of squid.

(3) ~~To encircle~~ Encircle any vessel, ~~other than by the~~. This paragraph does not apply to a seine skiff of a vessel that is deploying nets for the take, possession, and landing of squid, while that vessel is engaged in the taking of squid.

(b) For purposes of this section, "seine skiff" means a vessel that meets all the following requirements:

(1) It is not licensed by the federal government or registered by the Department of Motor Vehicles, ~~that~~.

(2) It is used to assist a larger federally-licensed or state-registered fishing vessel by assisting in the deployment and retrieval of nets and the landing of fish, ~~and that~~.

(3) It travels with that larger fishing vessel at all times, ~~that~~.

(4) It is used solely at the direction of the operator of the larger fishing vessel, ~~and that~~.

(5) It is owned by the owner of the larger fishing vessel.

Comment. Section 8399.1 is amended for clarity.

Existing Section 10662 (Proposed Section 59180)

§ 10662 (amended). Firearm prohibition

10662. Notwithstanding any other provision ~~in~~ of this code, it shall be unlawful for any person to fire a firearm, but it shall not be unlawful to possess a firearm, in the following areas: All of T. 5 S., R. 5 E., except Sections 1, 2, 11, 12, and 13, of ~~Fish and Game District Game Refuge 4D.~~

Comment. Section 10662 is amended to update a cross-reference to a renamed game refuge. See Section 10837.

Existing Section 10741 (Proposed Section 60955)

§ 10741 (amended). Exception to vehicle prohibition

10741. ~~Nothing~~ (a) Except as provided in subdivision (b), nothing in this article shall be construed as prohibiting prohibits access by a person over any a road or trail, in any such area to any land to which any person is entitled to possession by such person or any in an area described in Section 10740, to reach land that person lawfully possesses. A person allowed access over a road or trail pursuant to this subdivision may authorize another person authorized by him to use such road or trail as a means of access to the land; provided, that to do the same.

(b) Notwithstanding subdivision (a), none of the motorized vehicles or aircraft mentioned in Section 10740 ~~shall~~ may be used by any person as a means of gaining access to the wilderness areas for the purpose of hunting or fishing. Nor shall anyone having a lawful

right to enter a wilderness area with a motorized vehicle or aircraft fish or hunt while within the area after having entered the area with a motorized vehicle or aircraft.

Comment. Section 10741 is amended for clarity.

The section is also amended to add subdivision designations.

Existing Section 10770 (Proposed Section 59425)

§ 10770 (amended). Fish and game refuges

10770. The ~~districts~~ area described in ~~the following sections~~ this article ~~are~~ is a fish and game ~~refuges~~ refuge.

Comment. Section 10770 is amended to distinguish a fish and game refuge identified as a “district” in Division 7 from the Fish and Game Districts identified in Division 8.

Existing Section 10820 (Proposed Section 58800)

§ 10820 (amended). Described areas

10820. (a) The ~~districts~~ areas described in ~~the following sections~~ this article are game refuges.

(b) An existing reference to a “Fish and Game District” that is a game refuge shall be construed to refer to the “Game Refuge” that continues the former district.

Comment. Section 10820 is amended to distinguish game refuges identified as “districts” in Division 7 from the Fish and Game Districts identified in Division 8.

Existing Section 10821 (Proposed Section 58825)

§ 10821 (amended). Game Refuge 1C

10821. The following constitutes ~~Fish and Game District~~ Game Refuge 1C: All that area within the County of Modoc within the following boundaries:

Beginning at the boundary of the Modoc National Forest on the east side of Sec. 28, T. 42 N., R. 14 E., where Parker Creek crosses the national forest boundary and following thence Parker Creek and the South Fork of Parker Creek to the summit of the Warner Mountains; thence southerly along the summit of the Warner Mountains to the headwaters of Mill Creek; thence following course of Mill Creek to Mill Creek Ranger Station and Mill Creek stock corrals in approximately Sec. 15, T. 40 N., R. 15 E. (unsurveyed); thence along road from Mill Creek Ranger Station and stock corrals running north of Cantrell’s sawmill to Bowman Ranch, thence along same road to the Modoc National Forest boundary on the center line of Sec. 33, T. 41 N., R. 14 E.; thence north along said national forest boundary to Parker Creek, the point of beginning.

Comment. The first paragraph of Section 10821 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10822 (Proposed Section 58850)

§ 10822 (amended). Game Refuge 1F

10822. The following constitutes ~~Fish and Game District~~ Game Refuge 1F: All that area within the County of Lassen within the following boundaries:

Beginning at the fork of the Puls Camp Road and the Poison Lake-Harvey Valley Road near the quarter section corner between Secs. 33 and 34, T. 33 N., R. 8 E.; thence northerly following the westerly side of said road by Dixie Springs and Puls Camp in Sec. 33, T. 34 N., R. 8 E., to Shroder Lake in Sec. 19, T. 34 N., R. 8 E.; thence southwesterly about one mile to the junction of said Puls Camp Road and the Little Valley Road in Sec. 24, T. 34 N., R. 7 E.; thence northwesterly following the southerly side of said Little Valley Road to its junction with the Blacks Lake Road; thence westerly following the southerly side of said Blacks Lake Road to the Eldridge place in Sec. 13, T. 34 N., R. 6 E.; thence southerly following the easterly side of said road to Jelly Camp in Sec. 25, T. 34 N., R. 6 E.; thence southeasterly following the easterly side of the Susanville-Pittville Road to junction of the Poison Lake-Harvey Valley Road; thence easterly following the northerly side of said Poison Lake-Harvey Valley Road to the point of beginning.

Comment. The first paragraph of Section 10822 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10823 (Proposed Section 58875)

§ 10823 (amended). Game Refuge 1G

10823. The following constitutes ~~Fish and Game District~~ Game Refuge 1G: All that area within the County of Tehama within the following boundaries:

Beginning at a point where Deer Creek crosses the west township line of T. 25 N., R. 2 E.; thence north along said township line and along the west township line of T. 26 N., R. 2 E. to its intersection with Boatgunwale Creek; thence down Boatgunwale Creek to Mill Creek; thence up Mill Creek to the Ponderosa Truck Trail; thence following the Ponderosa Truck Trail to its intersection with South Antelope Creek; thence up South Antelope Creek to mouth of the North Fork of South Antelope Creek; thence up the North Fork to its source; thence following Manzanita Cut Trail to the South Fork of Rock Gulch Creek; thence down Rock Gulch Creek to its intersection with the Old Butte Meadows-Round Valley Trail; thence following

the Old Butte Meadows-Round Valley Trail to its intersection with the Deer Creek Highway, thence down the Deer Creek Highway to its westerly crossing of Deer Creek, thence down Deer Creek to point of beginning.

Comment. The first paragraph of Section 10823 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10824 (Proposed Section 58900)

§ 10824 (amended). Game Refuge 1H

10824. The following constitutes ~~Fish and Game District~~ Game Refuge 1H: All that area within the County of Plumas within the following boundaries:

Beginning at a point on the Western Pacific Railway known as Quincy Junction; thence following northerly the westerly side of the Old Road to Taylorsville; thence westerly along the southerly side of the County Road 207 to its intersection with the Western Pacific Railway from Crescent Mills to Keddie; thence southwesterly and southerly along these tracks to Keddie; thence southerly and southeasterly along main Western Pacific tracks from Keddie to Quincy Junction to the point of beginning.

Comment. The first paragraph of Section 10824 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10825 (Proposed Section 58925)

§ 10825 (amended). Game Refuge 1I

10825. The following constitutes ~~Fish and Game District~~ Game Refuge 1I: All that area within the County of Placer within the following boundaries:

Beginning at a point in Sec. 17, T. 14 N., R. 14 E., M.D.M., where the French House-Big Meadows Road intersects the South Fork of Long Canyon Creek; thence following southwesterly along said road to its intersection with the French Meadows-Georgetown Road near the section line between Secs. 22 and 23, T. 14 N., R. 13 E., thence southwesterly along the French Meadows-Georgetown Road where it intersects an unnamed tributary to the North Fork of Long Canyon Creek near the section line between Secs. 22 and 27, T. 14 N., R. 13 E.; thence northwesterly along said tributary to French House Site (near the center of Sec. 22, T. 14 N., R. 13 E.); thence northwesterly along the French House-Red Star Mine Jeep Road in Secs. 22 and 15, T. 14 N., R. 13 E., to its intersection with the Middle Fork of the American River, in Sec. 15, T. 14 N., R. 13 E.; thence northeasterly along the Middle Fork of the American River, to its intersection with the southern boundary of Sec. 35, T. 15 N., R. 13 E., thence due north on

a line through the center of Sec. 35 to an intersection with the summit of Red Star Ridge in Sec. 26, T. 15 N., R. 13 E. (this being the divide between Duncan Creek and the Middle Fork of the American River); thence northeasterly following the summit of Red Star Ridge to a point in Sec. 4, T. 15 N., R. 14 E. where said ridge intersects the main Foresthill Divide between the North Fork of the American River and the Middle Fork of the American River; thence easterly along the summit of said divide to Needle Peak; thence southerly following the summit of the divide to Mt. Mildred; thence southwesterly following the summit of the divide between Gray Horse Creek and the Middle Fork of the American River to its intersection with the Big Meadows-Gray Horse Valley Trail (near the middle of Sec. 5, T. 14 N., R. 14 E.); thence following said trail to the South Fork of Long Canyon Creek (near the middle of Sec. 9, T. 14 N., R. 14 E.); thence southwesterly down the South Fork Long Canyon Creek to the point of beginning.

Comment. The first paragraph of Section 10825 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10826 (Proposed Section 58950)

§ 10826 (amended). Game Refuge 1J

10826. The following constitutes ~~Fish and Game District~~ Game Refuge 1J: All that area within the County of Amador within the following boundaries:

Beginning at a point between Secs. 13 and 18, T. 8 N., R. 14 and 15 E., where the Carson Pass Highway (State Sign Route 88) enters Sec. 18, T. 8 N., R. 15 E.; thence northeasterly along the south side of State Highway 88 right of way to the Bear River Road in Section 12, T. 8 N., R. 15 E.; thence southeasterly along the westerly side of said road to the junction of the Ham's Spring and Cole Creek Roads in Section 20, T. 8 N., R. 16 E.; thence southeasterly along the westerly side of the Cole Creek Road to its termination at the P. G. & E. penstock in Section 33, T. 8 N., R. 16 E.; thence southerly along the westerly side of said penstock to its intersection with the Mokelumne River; thence down the north bank of the Mokelumne River in a southwesterly direction to the intersection of range line between T. 7 N., R. 14 and 15 E.; thence north along range line between T. 8 N., R. 14 and 15 E., to the intersection of State Sign Route 88 to the place of beginning.

Comment. The first paragraph of Section 10826 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10827 (Proposed Section 58975)

§ 10827 (amended). Game Refuge 1N

10827. The following constitutes ~~Fish and Game District~~ Game Refuge 1N: All that area within the Counties of Siskiyou and Modoc within the following boundaries:

Beginning at the junction of the Lava Ranger Station Road and the Egg Lake-Quaking Asp Road, thence following westerly and northerly the northerly and easterly side of said Lava Ranger Station Road to its junction with the Medicine Lake-Quaking Asp Road near the northwest corner of Sec. 18, T. 42 N., R. 5 E., thence easterly and southerly following the southerly and westerly side of the Medicine Lake-Quaking Asp-Egg Lake Road to the point of beginning.

Comment. The first paragraph of Section 10827 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10828 (Proposed Section 59000)

§ 10828 (amended). Game Refuge 1P

10828. The following constitutes ~~Fish and Game District~~ Game Refuge 1P: All that area within the County of Plumas, within the following boundaries:

Beginning at the junction of the Milford-Beckwourth Road and the Last Chance-Doyle Road, thence following the easterly side of said Milford-Beckwourth Road to its junction with the Dixie Valley-Frenchman's Cove Road; thence following the easterly side of the Dixie Valley-Frenchman's Cove Road to its junction with the Little Last Chance Road; thence following the westerly side of the Little Last Chance Road to its junction with the Last Chance-Doyle Road; thence following the westerly side of the Last Chance-Doyle Road to the place of beginning.

Comment. The first paragraph of Section 10828 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10829 (Proposed Section 59025)

§ 10829 (amended). Game Refuge 1R

10829. The following constitutes ~~Fish and Game District~~ Game Refuge 1R: All that area within the County of Tuolumne within the following boundaries:

Beginning at the junction of the North Fork of the Stanislaus River and the Middle Fork of the Stanislaus River; thence easterly following the northerly bank of said Middle Fork of the Stanislaus River to the mouth of the Shu-fly Creek, approximately in Sec. 9, T. 5 N., R. 18 E.; thence northerly following the westerly bank of said

creek to its junction with Whit's Basin Creek; thence westerly following the southerly and westerly bank of said Whit's Basin Creek to its junction with the Sands Meadow Trail in Sec. 36, T. 6 N., R. 17 E.; thence northwesterly following said Sands Meadow Trail to its junction with the Government Truck Trail in Sec. 23, T. 6 N., R. 17 E.; thence westerly following said Truck Trail to Liberty Hill; thence following said Government Truck Trail westerly and southerly to its junction with the Boards Crossing-Beaver Creek Camp Road; thence northerly following said Boards Crossing-Beaver Creek Camp Road to Boards Crossing on the North Fork of the Stanislaus River; thence downstream following the easterly bank of said North Fork of the Stanislaus River to the point of beginning

Comment. The first paragraph of Section 10829 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10830 (Proposed Section 59050)

§ 10830 (amended). Game Refuge 1S

10830. The following constitutes ~~Fish and Game District~~ Game Refuge 1S: All that area lying within the County of Lassen within the following boundaries:

Beginning at the old Haydenhill Post Office in the approximate center of Sec. 36, T. 37 N., R. 9 E.; thence following westerly along the old Juniper Road through Windmill Flat to the junction of the Summit Spring Road near Meyers Spring; thence south through Lost Valley along the Lost Valley-Dixie Valley Road to the junction of the Dixie Valley-Grasshopper Road; thence east to the junction of the old Haydenhill-Slate Creek Road located approximately in Sec. 24, T. 35 N., R. 9 E.; thence north along the Haydenhill-Slate Creek Road to the place of beginning.

Comment. The first paragraph of Section 10830 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10831 (Proposed Section 59075)

§ 10831 (amended). Game Refuge 1V

10831. The following constitutes ~~Fish and Game District~~ Game Refuge 1V: ~~all~~ All that area within the County of Plumas within the following boundaries:

Beginning at the intersection of U. S. Alternate 40 Highway and U. S. Forest Service Road 24N12; thence following northerly the easterly side of U. S. Forest Service Road 24N12 to its intersection with U. S. Forest Service Road 24N10; thence easterly following the southerly side of U. S. Forest Service Road 24N10 to its intersection with U. S. Forest Service Road 24N07 (Relocated); thence easterly

following the southerly side of U. S. Forest Service Road 24N07 (Relocated) to its intersection with U. S. Forest Service Road 25N08; thence southerly on the westerly side of U. S. Forest Service Road 25N08 to its intersection with U. S. Alternate 40 Highway; thence westerly along the northerly side of U. S. Alternate 40 Highway to the point of beginning.

Comment. The first paragraph of Section 10831 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10832 (Proposed Section 59100)

§ 10832 (amended). Game Refuge 2A

10832. The following constitutes ~~Fish and Game District~~ Game Refuge 2A: All that area within the Counties of Mendocino, Lake, and Glenn within the following boundaries:

Beginning at the summit of Hull Mountain in Mendocino County, in the southwest corner of Sec. 2, T. 19 N., R. 10 W.; thence in a northeasterly direction down Hull Creek (sometimes known as Red Rock Creek) to its junction with Sand Creek; thence southeasterly down Sand Creek to its junction with Corbin Creek, thence in an easterly direction up Corbin Creek to Sec. 36, T. 20 N., R. 8 W.; thence in a southerly direction up a ravine to the Pacific Crest Road (24N02) on the summit of the Coast Range Mountains in Sec. 12, T. 19 N., R. 8 W.; thence southwesterly along the Pacific Crest Road (24N02) to Low Gap, where the Bloody Rock trail crosses the summit in Sec. 27, T. 19 N., R. 8 W.; thence in a westerly direction down the Bloody Rock trail and Cold Creek to South Eel River in Sec. 26, T. 19 N., R. 9 W.; thence down the river to the mouth of a ravine in the SE $\frac{1}{4}$ of Sec. 27, T. 19 N., R. 9 W.; thence in a northwesterly direction up the ravine through Secs. 27 and 28 to the summit of Boardman Ridge; thence in a northwesterly direction up Boardman Ridge to the summit of Hull Mountain to the point of beginning.

Comment. The first paragraph of Section 10832 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10833 (Proposed Section 59300)

§ 10833 (amended). Game Refuge 2B

10833. The following constitutes ~~Fish and Game District~~ Game Refuge 2B, the Mount Tamalpais Game Refuge: All that area within the County of Marin within the following boundaries:

Beginning at the intersection of the easterly shore of inner Bolinas Bay with the northwesterly boundary line extended, of the Stinson ranch conveyed to A. H. Stinson et al., by decree of distribution dated the 28th of July, 1911; thence northwesterly along the said

northwesterly boundary line to the southwesterly boundary line of the lands of the Marin municipal water district on the crest of Bolinas Ridge; thence northeasterly, northwesterly, and easterly along the westerly and northerly boundary line of the watershed lands of the said water district to its intersection with the southwesterly corner of the Rancho Canada de Herrera; thence north 14 degrees west along the westerly line of said Rancho Canada de Herrera to the southwesterly corner of the Bothin real estate property; thence in an easterly direction along the southerly line of the said Bothin property to its intersection with the westerly boundary line of the town of Fairfax; thence in a general southerly direction along the westerly boundary of the said town of Fairfax to its intersection with the southerly boundary line of the said Rancho Canada de Herrera; thence northerly 83 degrees 15 minutes east along said southerly line 3,200 feet, more or less, to its intersection with the southeasterly line of the county road leading from Fairfax to Bolinas; thence northerly along said road and along the Fairfax-Bolinas County Road to a point in the southerly line of the right of way of the Northwestern Pacific Railroad Company near Fairfax station; thence along the said last-mentioned line in a southerly direction following the westerly line of said railroad right of way to its intersection with the southerly line of the road or highway immediately south of Alto station; thence following the southerly side of said Alto-Belvedere Road and state highway easterly to its intersection with the northwesterly line of the Town of Belvedere; thence following the northwesterly line of the Town of Belvedere southwesterly to its extreme westerly corner; thence in a direct line to the extreme northerly corner of the Town of Sausalito; thence southwesterly along the northwesterly line of the Town of Sausalito to its intersection with the Northwestern Pacific Railroad; thence following the westerly line of the right of way of the Northwestern Pacific railroad to Manzanita Station; thence southwesterly in a direct line to the Mill Valley State Highway; thence westerly along the said highway to its intersection with Tennessee Avenue; thence following the southerly and easterly line of Tennessee Avenue, westerly and southerly, to the corner common to ranches E, F, and A, as said ranches are delineated on the Tamalpais Land and Water Company's map No. 3; thence southwesterly along the southeasterly boundary lines of ranches E, L, and K, as shown on the said last-mentioned map, to the shore of the Pacific Ocean; thence northwesterly along the shore of the Pacific Ocean and across the easterly end of the Bolinas sandspit, and along the easterly shore of inner Bolinas Bay, to the point of beginning, excepting from the area of said Mount Tamalpais Game Refuge all lands lying within incorporated areas.

Comment. The first paragraph of Section 10833 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10835 (Proposed Section 59125)

§ 10835 (amended). Game Refuge 3F

10835. The following constitutes ~~Fish and Game District~~ Game Refuge 3F: All that area within the County of Contra Costa described as follows:

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., 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 12 of T. 1 S., R. 1 W.

Comment. The first paragraph of Section 10835 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10836 (Proposed Section 59150)

§ 10836 (amended). Game Refuge 3G

10836. The following constitutes ~~Fish and Game District~~ Game Refuge 3G:

All those lands of the Leland Stanford Junior University within the Counties of San Mateo and Santa Clara, and consisting of lots numbers 1 to 33, inclusive; that portion of lots 35 and 42 lying outside of the town limits of the town of Mayfield; lots 36, 43, 46 to 75, inclusive; 80 to 86, inclusive; 89 to 98, inclusive, as shown on the map entitled "map of the lands of the Leland Stanford Junior University at or near the site of the university in the Counties of Santa Clara and San Mateo, by A. T. and F. A. Herrmann of Herrmann Bros.," dated November, 1908, recorded in the Office of the County Recorder of the County of Santa Clara.

Comment. The first paragraph of Section 10836 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10837 (Proposed Section 59175)

§ 10837 (amended). Game Refuge 4D

10837. The following constitutes ~~Fish and Game District~~ Game Refuge 4D: All that area within the County of Riverside described as follows:

Beginning at the intersection of State Highway 74 and Highway 111 in Section 20, T. 5 S., R. 6 E., S.B.B. & M.;

Thence northwesterly on State Highway 111 to its intersection with the south bank of the Palm Canyon wash and the east boundary of Section 25, T. 4 S., R. 4 E., S.B.B. & M.;

Thence southwesterly and southerly along east bank of Palm Canyon wash through said Section 25, Sections 36 and 35, T. 4 S., R. 4 E., S.B.B. & M. and Sections 2, 11, 14, 23, 25 and 36, T. 5 S., R. 4 E., S.B.B. & M.;

Thence continuing along the east bank of said Palm Canyon wash through Sections 1, 12, 13, T. 6 S., R. 4 E., and continuing through Sections 18, 19, 30 and 31, T. 6 S., R. 5 E., to a point of intersection with Omstott Creek;

Thence along the north bank Omstott Creek through Section 31, T. 6 S., R. 5 E., and continuing through Sections 5, 4, 9, 10, T. 7 S., R. 5 E., to the north line of said State Highway 74;

Thence easterly along north line of said Highway 74 to a point of intersection with the north line Section 12, T. 7 S., R. 5 E.;

Thence east along north line of said Section 12 to the northeast corner of said Section 12;

Thence south along the easterly boundary of Sections 12, 13, 24, 25 and 36, T. 7 S., R. 5 E.; and the easterly boundary of Section 1, T. 8 S., R. 5 E., to the point of intersection with the southwesterly corner of Section 31, T. 7 S., R. 6 E.;

Thence east and along the southerly boundary of said Section 31 and Sections 32, 33, 34 and 35, to the southeast corner of Section 36, T. 7 S., R. 6 E.;

Thence north along the easterly boundary of Sections 36, 25, 24, 13 and 12 to the northeast corner of Section 1, T. 7 S., R. 6 E.;

Thence west along the north line of said Section 1 to the southeast corner of Section 36, T. 6 S., R. 6 E.;

Thence north along the east line of said Section 36, Sections 25, 24 and 13 to the southwest corner of Section 7, T. 6 S., R. 7 E.;

Thence east along the south line of said Section 7 to the southeast corner thereof;

Thence north along the east line of said Section 7 and Section 6 of said T. 6 S., R. 7 E., to the northeast corner of said Section 6;

Thence west along the north line of said Section 6 of said T. 6 S., R. 7 E. to Marshall Street;

Thence north along Marshall Street and on the $\frac{1}{4}$ section line of Sections 31 and 30, T. 5 S., R. 7 E. to Highway 111;

Thence westerly along Highway 111 to the point of beginning.

Comment. The first paragraph of Section 10837 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10838 (Proposed Section 59200)

§ 10838 (amended). Game Refuge 4G

10838. The following constitutes ~~Fish and Game District~~ Game Refuge 4G:

Beginning at the northeast corner of T. 4 S., R. 3 E., S. B. B. & M.;

Thence on section lines, west one mile, north one mile, west two miles, north one mile and west three miles to the northwest corner of Sec. 30, T. 3. S., R. 3 E., S. B. B. & M.;

Thence south on the range line between R. 2 and 3 E., about 7³/₄ miles to the crest of the divide forming the northwesterly boundary of Strawberry Creek watershed;

Thence southwesterly along said divide to a point on the northerly boundary of Sec. 28 in T. 5 S., R. 2 E., S. B. B. & M.;

Thence southwesterly in a straight line to the junction of Strawberry Creek and the south fork of the San Jacinto River;

Thence southeasterly and northeasterly along the crest of the divide between the waters of Dry Creek, a tributary of Strawberry Creek, and the waters of the south fork of the San Jacinto River and its tributaries to the northeasterly side of the right of way of the Pines to Palms Highway;

Thence southeasterly along the said northeasterly side of the right of way of the Pines to Palms Highway to the right bank of Hurkey Creek;

Thence northerly along the right bank of Hurkey Creek through Secs. 9 and 4 in T. 6 S., R. 3 E., and through Secs. 33, 28, 21, the southeast quarter of Sec. 16, the west one-half of Sec. 15, the east half of Sec. 10 and the northwest quarter of Sec. 11 to the crest of the divide between the waters of Hurkey Creek and Murray Canyon;

Thence southeasterly along the crest of the divide between the waters flowing west into the San Jacinto River and the waters flowing east into Coachella Valley to a point on the south boundary of Sec. 24 in T. 5 S., R. 3 E., S. B. B. & M.;

Thence east on said south line of Sec. 24 to the southeast corner thereof. Thence north on the range line to the point of beginning.

Comment. The first paragraph of Section 10838 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10842 (Proposed Section 59275)

§ 10842 (amended). Game Refuge 1K

10842. The following constitutes ~~Fish and Game District~~ Game Refuge 1K, the Johnsville Game Refuge: All that area within the County of Plumas within the following boundaries:

Beginning at the North ¹/₄ corner of Section 24, T. 22 N., R. 11 E., M. D. M.; thence North 89° 39' 25" East 334.93 feet; thence South 0° 08' 47" East 418.08 feet; thence South 89° 48' 44" West 167.37 feet; thence South 0° 09' 33" East 668.15 feet; thence South 89° 59' 48" West 496.21 feet; thence South 0° 09' 15" East 83.34 feet; thence South 89° 58' 24" West 164.51 feet; thence South 0° 08' 41" East 83.31 feet; thence South 89° 59' 14" West 82.26 feet; thence South 0° 08' 24" East 83.29 feet; thence North 89° 59' 55" West 82.26 feet; thence South 0° 03' 55" East 83.09 feet; thence North 89° 51' 34" West 82.43 feet; thence South 0° 03' 58" East 83.05 feet; thence North 89° 50' 14" West 82.42 feet; thence South 0° 03' 30" East 331.95 feet; thence North 89° 46' 07" West 329.53 feet; thence North 0° 03' 37" West 331.59 feet;

thence South 89° 49' 39" East 164.68 feet; thence North 0° 04' 08" West 165.91 feet; thence North 0° 04' 47" West 498.64 feet; thence South 89° 57' 00" West 164.57 feet; thence North 0° 04' 11" West 184.90 feet; thence North 69° 21' 49" East 175.25 feet; thence North 0° 05' 22" West 584.25 feet; thence North 89° 43' 00" East 985.90 feet to the point of beginning.

Comment. The first paragraph of Section 10842 is amended to clarify that the area described in the section is a game refuge, and not a fish and game district. See also Section 10820.

Existing Section 10860 (Proposed Section 59525)

§ 10860 (amended). Waterfowl refuges

10860. ~~The following districts are~~ area described in this article is a waterfowl ~~refuges~~ refuge.

Comment. Section 10860 is amended to distinguish the waterfowl refuge identified as a "district" in Division 7 from the Fish and Game Districts identified in Division 8.

Existing Section 10880 (Proposed Section 60225)

§ 10880 (amended). Quail refuges

10880. ~~The following districts are~~ area described in this article is a quail ~~refuges~~ refuge.

Comment. Section 10880 is amended to distinguish quail refuges identified as "districts" in Division 7 from the Fish and Game Districts identified in Division 8.

CHANGES THAT SHOULD NOT BE MADE

At this time, the staff recommends that revision of the following sections previously proposed at some point in this study *not* be included in the draft recommendation.

Existing Section 711.7 (Proposed Section 66250)

Existing Section 1055.1 (Proposed Section 3200, 3205, 3250, 3350)

Existing Section 1855 (Proposed Section 65060)

Existing Section 2001 (Proposed Section 8015)

Existing Section 3040 (Proposed Section 10230)

Existing Section 3701 (Proposed Section 30530)

Existing Section 3800 (Proposed Section 71500)

Existing Section 5514 (Proposed Sections 41005, 43950)
Existing Section 5980 (Proposed Section 68800)
Existing Section 6020 (Proposed Section 69000)
Existing Section 8400 (Proposed Section 15105)
Existing Section 10667 (Proposed Sections 59790, 59795, 59800)

ERRATA IN DRAFT RECOMMENDATION

In the draft recommendation, the leadline of Section 3960 should be revised to read as follows:

“§ 3960 (amended). Use of dog to pursue specified mammals”

NEXT STEPS

There are still a handful of proposed revisions that DFW and Commission staff are discussing. It is possible that agreement on those points will be reached in time to be addressed at the January 2023 meeting.

There may also be some technical revisions that need to be drafted, to conform to the content of the draft recommendation. If so, those would also be presented in January.

Respectfully submitted,

Steve Cohen
Staff Counsel

PHASE ONE COMMENTS

The table below sets out the comments of the Fish and Game Commission and the Department of Fish and Wildlife on sections addressed in the First Supplement to Memorandum 2022-54.

Existing Section	Proposed Section	Fish and Game Commission	Department of Fish and Wildlife	Prior Presenting Memoranda
1500.5	60705	No comment	The restatement of sec. 1500.5 does not cause a substantive change in the meaning of that section.	22-22
1608	69775	No comment	The reference in existing sec. 1608 to the submission of "notification pursuant to Section 1602" may be narrowed to refer to "subdivision (a) of Section 1602" without causing problems.	22-22
1909	53830	No comment	Assuming the reference in the Note to sec. 6656 should be to sec. 1909, the proposed restatement of sec. 1909 would not cause a substantive change in the meaning of the provision.	22-22
2074.6	62400	FGC believes that the proposed restatement of the first sentence of sec. 2074.6 does not change the meaning of the sentence.	The restatement of the first sentence of sec. 2074.6 to clarify the application of the provision does not change the meaning of that sentence.	22-22
2076	62480	FGC agrees that the reference in sec. 2076 to "this section" should be changed to refer to sec. 2075.5.	CDFW agrees that the reference in sec. 2076 to "this section" should be changed to refer to sec. 2075.5(e).	22-22
2081.2	63610	(1) FGC does not have any concerns with the proposed change, which would update the term "effective date of this section" to the section's enactment date (9/13/19). (2) no comment on the informational note.	Two comments. (1) CDFW does not see any issue with the proposed change which would update the term "effective date of this section" to the section's enactment date (9/13/19). (2) Note is informational only. No comment.	22-22
4004(e) (4004(f) in tentative rec)	11005	FGC believes that the proposed restatement to sec. 4004(f) would not cause any substantive change in the meaning of the provision. CLRC's proposal to relocate subdivisions within sec. 4004 is outside the scope of the current review. FGC also notes that sec. 4004 was amended by AB 273, Statutes of 2019, Chapter 216, effective 01/01/2020, after CLRC's tentative recommendation.	The change proposed to sec. 4004(f) would not cause any substantive change in the meaning of the provision. The Commission should also be aware that this section was amended by Stats. 2019, Ch. 216 (AB 273), effective Jan. 1, 2020.	21-26s1

Existing Section	Proposed Section	Fish and Game Commission	Department of Fish and Wildlife	Prior Presenting Memoranda
4004(f) (4004(g) in tentative rec)	11010	<p>CLRC's proposal to relocate subdivisions within sec. 4004 is outside the scope of the current review. FGC also notes that sec. 4004 was amended by AB 273, Statutes of 2019, Chapter 216, effective 01/01/2020, after CLRC's tentative recommendation. CLRC note (1): FGC believes that the proposed restatement to sec. 4004(g) would not cause any substantive change in the meaning of the provision.</p> <p>CLRC note (2): FGC believes that removing "in accordance with this section" potentially would be controversial since it could expand the application of the subdivision, which would be a significant substantive change. CLRC note (3): FGC believes that changing "mammal" to animal" potentially would be controversial since it would expand the application of the subdivision, which would be a significant substantive change.</p>	<p>Three comments: (1) The restatement of former sec. 4004(g) does not cause a substantive change in the meaning of that section.</p> <p>(2) CDFW does not support deletion of "in accordance with this section" because it wants to make it clear that sec. 4004 deals with fur-bearer trapping, not the trapping of other rodents and home trapping.</p> <p>(3) Changing the term "mammal" to "animal" is a substantive expansion of the application of this section and is significant because of potential controversy. The Commission should also be aware that this section was amended by Stats. 2019, Ch. 216 (AB 273), effective Jan. 1, 2020.</p>	<p>21-26s1</p> <p>21-57</p>
4004(b) (4004(c) in tentative rec)	11020	<p>FGC believes that the proposed restatement to sec. 4004(c) would not cause any substantive change in the meaning of the provision. CLRC's proposal to relocate subdivisions within sec. 4004 is outside the scope of the current review. FGC also notes that sec. 4004 was amended by AB 273, Statutes of 2019, Chapter 216, effective 01/01/2020, after CLRC's tentative recommendation.</p>	<p>The restatement of sec. 4004(c) does not cause a substantive change in the meaning of the provision. The Commission should also be aware that this section was amended by Stats. 2019, Ch. 216 (AB 273), effective Jan. 1, 2020.</p>	<p>21-26s1</p> <p>21-57</p>
4004(d) (4004(e) in tentative rec)	11155	<p>FGC believes that the proposed restatement to sec. 4004(e) would not cause any substantive change in the meaning of the provision. CLRC's proposal to relocate subdivisions within sec. 4004 is outside the scope of the current review. FGC also notes that sec. 4004 was amended by AB 273, Statutes of 2019, Chapter 216, effective 01/01/2020, after CLRC's tentative recommendation.</p>	<p>The restatement of sec. 4004(e) does not cause a substantive change in the meaning of the provision. The Commission should also be aware that this section was amended by Stats. 2019, Ch. 216 (AB 273), effective Jan. 1, 2020.</p>	<p>21-26s1</p> <p>21-57</p>

Existing Section	Proposed Section	Fish and Game Commission	Department of Fish and Wildlife	Prior Presenting Memoranda
5800(c)	71760	No comment	CDFW agrees the last sentence in sec. 5800(c) is ambiguous with respect to the source of water at issue and the nature of the clean-up. The subdivision could be amended to say, "... for the purpose of cleaning up mining equipment, subject to the restrictions of this section."	22-22
5800(d)	71765	No comment	CDFW agrees that the restatement of sec. 5800(d) would not substantively change the meaning of that section or cause any problems.	22-22
5981	68850	No comment	The proposed restatement of the first sentence of sec. 5981 would not create any problems.	22-22
6023	69065	No comment	The proposed restatement of sec. 6023 would not cause any problems.	22-22
6100(b)	69505	No comment	The proposed restatement of sec. 6100(b) would not cause any problems.	22-22
6652	54055	<p>CLRC note (1): FGC believes that the proposed restatement of sec. 6652 would not result in a substantive change in the meaning of the provision.</p> <p>CLRC note (2): FGC believes that inserting "deliver to the department" in sec. 6652 in place of "render" would not cause any problems.</p> <p>However, FGC notes that the proper regulation reference is sec. 165(b)(3)(B), Title 14, California Code of Regulations.</p>	Two comments: (1) CDFW does not believe the restatement of sec. 6652 would result in a substantive change. (2) CDFW does not believe inserting "deliver to the department" in sec. 6652 in place of "render" causes any problems, however CDFW notes that CLRC has misstated 14 CCR section 165(b)(3)(G). The proper regulation reference section is 165(b)(3)(B).	22-22
8399.1	51405	<p>CLRC note (1): FGC believes that, under sec. 8399.1(a)(1), a light may not be displayed to attract squid from a seine skiff, though a light may be displayed by a seine skiff for navigation or safety purposes. CLRC note (2): FGC believes that the "vessel" in question in subdivision (a)(3) applies to any vessel except the associated seine skiff deployed from the seiner vessel taking squid.</p>	<p>Two comments. (1) Under sec. 8399.1(a)(1), a light may not be displayed to attract squid from a seine skiff, however a light may be displayed by a seine skiff for navigation or safety purposes.</p> <p>(2) The "vessel" in question applies to any vessel except the associated seine skiff deployed from the seiner vessel taking squid.</p>	21-49

Existing Section	Proposed Section	Fish and Game Commission	Department of Fish and Wildlife	Prior Presenting Memoranda
10662	59180 (referred to in Note following Section 58800, see entry below)	No comment	No comment	—
10741	60955	FGC believes that restating sec. 10741 does not cause any problems, with one exception; access "over" a road or trail is significantly different from access "to" a road or trail, thereby effecting a change in meaning. FGC does not believe a change in meaning is appropriate without further public dialogue.	The restatement of sec. 10741 does not cause a substantive change in the meaning of that section except CDFW believes that access "over" a road or trail is different from access "to" a road or trail and that does cause a change in meaning.	22-22
10770	59425 (see response to Note following Section 58800, below)	No comment	No comment	22-22
10820 to 10842	58800 to 59300, 59425	No comment	Two comments. (1) The use of the term "district" to describe refuges is potentially confusing because "district" is more commonly used to describe the areas covered by sec. 11000 et seq. CDFW believes that the references to whether a refuge is for fish, game, or fish and game are correct in existing law. (2) CDFW believes that giving the game refuges descriptive names is a significant substantive change in that it is not clearly beneficial and would be controversial.	22-22
10860	59525 (see response to Note following Section 58800, above)	No comment	No comment	—

Existing Section	Proposed Section	Fish and Game Commission	Department of Fish and Wildlife	Prior Presenting Memoranda
10880	60225 (see response to Note following Section 58800, above)	No comment	No comment	—