

Memorandum 2022-30

Fish and Game Law: Narrow Reorganization in Place (Conceptual Draft)

At its March 2022 meeting, the Commission¹ directed the staff to prepare a draft reorganization of the chapters of Division 2 of the Fish and Game Code, without reorganizing the articles or sections contained within those existing chapters.² Proposed legislation to accomplish that task is attached.

DRAFT REORGANIZATION OF DIVISION 2

The Commission's decision that the reorganization draft leave the contents of chapters undisturbed has greatly simplified the preparation and effect of the attached draft.

Viewed from the chapter-level, the staff sees a broad conceptual category, "Wildlife and Habitat Conservation," that can be used to contain most of the chapters in Division 2, without relocating them or changing their section numbering.

The staff understands that hunting and fishing play an important role in conservation and does not intend to diminish the value of that activity. However, for the purposes of organization, there is a difference between programs that are mostly about protecting wildlife per se and those that are mostly about regulating hunting and fishing.

A reorganization based on that distinction could be achieved with relatively modest changes. A new division heading would be added and four misplaced chapters would be relocated (with the first four of the remaining chapters being renumbered). Those changes are shown below in bold:

1. 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). 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 Minutes (Mar. 2022), p. 3.

Division 2. Department of Fish and Wildlife
Chapter 1. Organization and General Functions
~~Chapter 1.5. Wildlife Violator Compact~~
Chapter 2. Deputies, and Other Employees; County Wardens
Chapter 3. Other Powers and Duties
Chapter 4. Department-Managed Lands

Division 2.5 Wildlife and Habitat Conservation

~~Chapter 4. Chapter 1.~~ Wildlife Conservation Law of 1947
~~Chapter 4.1. Chapter 2.~~ California Riparian Habitat Conservation Program
~~Chapter 4.3. Chapter 3.~~ Inland Wetlands Conservation Program
~~Chapter 4.4. Chapter 4.~~ California Desert Conservation Program
Chapter 5. Fish and Game Management
Chapter 6. Fish and Wildlife Protection and Conservation
Chapter 6.5. Habitat Restoration and Enhancement Act
Chapter 6.6. Voluntary Stream Restoration Property Owner Liability
Chapter 7. Conservation of Aquatic Resources
~~Chapter 7.2. Trout Management~~
~~Chapter 7.3. Black Bass Conservation and Management~~
~~Chapter 7.4. Department-Managed Lands~~
Chapter 7.5. Native Species Conservation and Enhancement
Chapter 7.8. Sacramento-San Joaquin Valley Wetlands Mitigation Bank Act of 1993
Chapter 7.9. Conservation Bank and Mitigation Bank Applications and Fees
Chapter 8. Conservation of Wildlife Resources
Chapter 9. Advance Mitigation and Regional Conservation Investment Strategies
Chapter 10. Native Plant Protection
Chapter 11. California Desert Native Plants
Chapter 12. Significant Natural Areas
Chapter 13. Nonvehicular Wildlife Crossings
Chapter 13.5. Wildlife Connectivity Actions

Division 6. Fish

...
Part 2. Sport Fishing
...
Chapter 2. Particular Varieties of Fish
...
Article 1.4. Trout Management
...
Article 8. Black Bass Conservation and Management

Division 12.5. Wildlife Violator Compact

The sections of the four relocated chapters would need to be renumbered. There are no provisions that apply to Division 2 as a whole, so there would be no legal consequence from moving chapters out of the division.

Two of the chapters would be relocated to Part 2 of Division 6. There is one provision of Part 2 that governs the entire part — Section 7100 provides that the part only applies to *noncommercial* fishing. That should not be a problem. The chapters to be relocated do not appear to apply to commercial fishing. **The staff requests comment on whether that assumption is correct.**

The sections in the chapters that would remain in place would not need to be renumbered. However, cross references to those chapters (as chapters) would need to be updated. Again, there are no provisions that apply to Division 2 as a whole, so “moving” chapters into a new Division 2.5 should have no legal effect.

In summary, the result of the proposed reorganization would be as follows:

- Existing Division 2 would be limited to material that relates to the Department of Fish and Wildlife as a state entity, including material on the department’s land management practices.
- New Division 2.5 would only contain programs that are predominantly about protecting wildlife and habitat, rather than hunting and fishing.
- Existing chapters on trout and black bass management, which are predominantly focused on conserving those species through sport fishing, would be relocated to “Division 6. Fish” in “Part 2. Sport Fishing.”
- Existing Chapter 1.5, which constitutes California’s enactment of an interstate law enforcement compact, would be moved to near the end of the code, to be located with other divisions that address interjurisdictional cooperation (i.e., Division 11. Pacific Marine Fisheries Compact; Division 13. State-Tribal Agreements Governing Indian Fishing; Division 13.5. State-Tribal Agreements Governing Indian Fishing on the Klamath River).

The staff believes that those changes would make a substantial improvement to the organization of Division 2, with minimal disruption.

Limiting the initial draft to chapter-level reorganization resulted in a more modest reorganization than the staff had expected. That may be the right approach at this stage. The reorganization outlined above (and implemented in the attached draft) is straightforward enough to be easily comprehensible. The transitional costs would be light. To test whether *any* level of reorganization is politically feasible, a light touch might be best.

If, however, the Commission would like its first organizational proposal to be a little more substantial, it could add one or both of the additional changes discussed below.

POSSIBLE ADDITIONS

In preparing the attached draft, the staff saw two possibilities for additional improvements to the organization of existing law, both of which are closely related to the core proposal discussed above.

Option 1. Consolidation of Proposed New Division 2.5 with Existing Division 3

Like existing Division 2, existing Division 3 includes chapters of substantially different kinds. Some regulate take, possession, or transportation of wild animals. Others are predominantly concerned with wildlife and habitat conservation.

The chapter-level organization of Division 3 is set out below, with the “wildlife and habitat conservation” chapters in bold.

Division 3. Fish And Game Generally

Chapter 1. Taking and Possessing in General

Chapter 1.5. Endangered Species

Chapter 2. Importation, Transportation, and Sheltering of Restricted Live Wild Animals

Chapter 3. Importation and Transportation of Live Plants and Animals

Chapter 3.5. Aquatic Invasive Species

Chapter 4. Importation and Transportation of Dead Birds, Mammals, Fish, Reptiles, and Amphibia

Chapter 5. Hunting and Fishing Guides

Chapter 6. Capture, Transport or Sale of Wild Rodents

Chapter 6.5. Control of Illegally Taken Fish and Wildlife

Chapter 7. Fish and Wildlife Habitat Enhancement Act of 1984

Chapter 7.5. Wildlife and Natural Areas Conservation Program

Chapter 8. Fisheries Restoration

Chapter 9. California Wildlife Protection Act of 1990

Chapter 10. Natural Community Conservation Planning Act

Chapter 10.5. Marine Life Protection Act

Chapter 11. Habitat Maintenance Districts

Chapter 13. Salton Sea Restoration Act

If the Commission were interested, the staff could prepare draft language to do the following:

- *Repeal the heading of existing Division 3.* As a result, all of the content of existing Division 3 would fall into proposed Division 2.5. The result would be a single division that combines all of the chapters from existing Divisions 2 and 3 that predominantly relate to the protection of wildlife and habitat. While the chapter numbers would need to be changed, and references to those chapters updated, the content of the chapters could be left undisturbed. **None of the sections in those chapters would need to be renumbered.** That would be especially helpful for heavily cited statutes like the California Endangered Species Act.
- *Move the other chapters from existing Division 3 (i.e., those not shown in bold above) elsewhere in the code.* A good candidate destination might be Division 4, which mainly includes provisions regulating take and possession of wildlife. The relocated sections would need to be renumbered.

The overall result would be the consolidation of the wildlife and habitat protection programs from existing Divisions 2 and 3, without requiring that the section numbers be changed in any of the consolidated chapters.

Option 2. Consolidation of Provisions Related to Interjurisdictional Cooperation

As noted above, the attached draft would relocate existing Chapter 1.5 of Division 2 (“Wildlife Violator Compact”), making it a new Division 12.5 near the end of the code. With that proposed change, the last five divisions of the code would be as follows:

Division 11. Pacific Marine Fisheries Compact

Division 12. Aquaculture

Division 12.5. Wildlife Violator Compact

Division 13. State-Tribal Agreements Governing Indian Fishing

Division 13.5. State-Tribal Agreements Governing Indian Fishing on the Klamath River

That would be an improvement, as it would place the Wildlife Violator Compact provisions closer to other existing statutes that govern interjurisdictional cooperation.

However, the staff believes that the result could be further improved if existing Division 12 were relocated and the remaining divisions demoted and subsumed within a new “Division 11. Interjurisdictional Cooperation,” thus:

Division 11. Interjurisdictional Cooperation

Part 1. Pacific Marine Fisheries Compact

~~Division 12. Aquaculture~~

~~Division 12.5~~ Part 2. Wildlife Violator Compact

~~Division 13~~ Part 3. State-Tribal Agreements

Chapter 1. State-Tribal Agreements Governing Indian Fishing

~~Division 13.5~~ Chapter 2. State-Tribal Agreements Governing Indian Fishing on the Klamath River

Or, shown without strikeout and underscore:

Division 11. Interjurisdictional Cooperation

Part 1. Pacific Marine Fisheries Compact

Part 2. Wildlife Violator Compact

Part 3. State-Tribal Agreements

Chapter 1. State-Tribal Agreements Governing Indian Fishing

Chapter 2. State-Tribal Agreements Governing Indian Fishing on the Klamath River

The relocation of the chapter on aquaculture would itself be an organizational improvement. It makes little sense for that material to be its own division near the end of the code. It would be more logically located in "Division 6. Fish."

In addition, there are a few stray provisions related to interjurisdictional cooperation that are currently located elsewhere in the code (e.g., Division 1 contains provisions regarding a "California-Arizona Compact" and the "Acceptance of Federal Acts"). The organization of the code would be improved by moving those provisions to the proposed new Division 11.

CONCLUSION

At its March meeting, Commissioners suggested that the staff draft a discussion of the advantages and disadvantages of the proposed reorganization. The staff will do so in a supplement. Commissioners also asked for some discussion of next steps, if the Commission decides to develop an initial recommendation along the lines discussed in this memorandum and that recommendation is successfully enacted into law. The staff will attempt to address that issue before the May meeting as well, perhaps as a second supplement to this memorandum.

Once the Commission has considered this memorandum and its supplements it will need to decide how to proceed. The broad options are as follows:

- Prepare a tentative recommendation based on the draft attached to this memorandum, to circulate for public comment.
- Prepare a tentative recommendation based on the draft attached to this memorandum, along with language to implement one or both of the possible additions described above, to circulate for public comment.
- Do nothing further to improve the organization of the Fish and Game Code.

If the Commission chooses the first option, the two possible additions described above could be the next step in a longer course of organizational work.

How would the Commission like to proceed?

Respectfully submitted,

Brian Hebert
Executive Director

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PROPOSED LEGISLATION

1 **Note.** In the draft below, all updated cross-references have been set out in bold.

2 **Fish & Game Code §§ 716-717.2 (repealed). Wildlife Violator Compact**

3 SEC. ____ Chapter 1.5 (commencing with Section 716) of Division 2 of the Fish
4 and Game Code is repealed.

5 **Comment.** Sections 716-717.2 are repealed. Those provisions are continued without substantive
6 change in Sections 15800-15890.

7 **Fish & Game Code §§ 1250-1260 (added). Department-managed lands**

8 SEC. ____ Chapter 4 (commencing with Section 1250) is added to Division 2 of
9 the Fish and Game Code, to read:

10 CHAPTER 4. DEPARTMENT-MANAGED LANDS

11 1250. (a) For purposes of this section, the following terms have the following
12 meanings:

13 (1) “Department-managed lands” includes lands, or lands and water, acquired for
14 public shooting grounds, state marine (estuarine) recreational management areas,
15 ecological reserves, and wildlife management areas.

16 (2) “Nonconsumptive uses” means compatible uses other than hunting and
17 fishing.

18 (b)(1) Department-managed lands shall be operated on a nonprofit basis by the
19 department.

20 (2) The department may enter into contracts or other agreements for the
21 management and operation of department-managed lands with nonprofit
22 conservation groups, recognized under Section 501(c) of the Internal Revenue
23 Code, or resource conservation districts, as described in Chapter 3 (commencing
24 with Section 9151) of Division 9 of the Public Resources Code.

25 (A) The contracts or other agreements authorized pursuant to this paragraph are
26 not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public
27 Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of Division
28 4 of the Military and Veterans Code.

29 (B) The contracts or other agreements authorized pursuant to this paragraph shall
30 adhere to the goals and objectives included in an approved management plan and
31 shall be consistent with the purpose for which the lands were acquired and managed
32 by the department. Any changes to the management plan shall be subject to public
33 review and comment.

34 (c) Multiple recreational use of department-managed lands is desirable and that
35 use shall be encouraged by the commission. Except for hunting and fishing
36 purposes, only minimum facilities to permit other forms of multiple recreational
37 use, such as camping, picnicking, boating, or swimming, shall be provided.

1 (d)(1) Hunting, fishing, wildlife viewing, wildlife photography, conservation
2 education, and fish and wildlife research are priority uses compatible with
3 department-managed lands, except for ecological reserves where uses shall be
4 considered on an individual basis.

5 (2) Public uses of department-managed lands not described in paragraph (1), or
6 subdivision (c) or (f), shall be authorized by regulations adopted by the commission.
7 The commission may require the purchase of a special use permit for these other
8 uses.

9 (e) Except as provided in Section 1765 and subdivision (h), and to defray the costs
10 associated with multiple use, the commission may determine and fix the amount of,
11 and the department shall collect, fees for any use privileges. Only persons holding
12 valid hunting licenses may apply for or obtain shooting permits for department-
13 managed lands.

14 (f) Commencing January 1, 2015, the department shall require the purchase of an
15 entry permit for nonconsumptive uses of department-managed lands if the
16 department finds that it is practical and would be cost effective for the state to collect
17 entry permit fees.

18 (g) The following shall apply if the department requires the purchase of an entry
19 permit pursuant to subdivision (f):

20 (1) The department shall require the purchase of an entry permit for
21 nonconsumptive uses of a department-managed land only if a sign providing notice
22 of the requirement has been posted at the department-managed land.

23 (2) To the extent feasible, the department shall allow nonconsumptive users to
24 purchase an entry permit onsite.

25 (3) The department shall use the Automated License Data System to sell an entry
26 permit.

27 (4) A nonconsumptive user shall have an entry permit in his or her immediate
28 possession while on department-managed lands.

29 (h) Failure to obtain a permit as required pursuant to this section shall be an
30 infraction as described in Section 12002.2.1. A person in possession of a valid
31 hunting license, sport fishing license, or trapping license shall be exempt from a
32 requirement to obtain a permit.

33 (i) The moneys generated pursuant to this section shall be deposited in the Native
34 Species Conservation and Enhancement Account within the Fish and Game
35 Preservation Fund, and shall be available, upon appropriation by the Legislature, to
36 the department for the management and operation of its lands. To the extent that the
37 department is able to identify the source of the fee revenue collected, the department
38 shall provide no less than 35 percent of the funds generated pursuant to this section
39 to the department-managed lands from which the fee revenues were collected.

40 (j) The commission and department may continue to allow free access to a
41 department-managed land if the commission or department finds the best interests
42 of that area would be served by not fixing a fee for use privileges.

1 1255. (a) Notwithstanding any other provision of this code, the department may
2 lease department-managed lands for agricultural activities, including, but not
3 limited to, grazing, where consistent with the purpose for which the lands were
4 acquired and compatible with the department's approved management plan for the
5 area, if available.

6 (b) The moneys collected from agricultural leases entered into pursuant to
7 subdivision (a) shall be deposited by the department into the Wildlife Restoration
8 Fund or the Fish and Game Preservation Fund and, upon appropriation by the
9 Legislature, may be used to support the management, maintenance, restoration, and
10 operations of department-managed lands.

11 1260. (a) The department shall do both of the following:

12 (1) Consider authorizing apiculture on department-managed wildlife areas, where
13 deemed appropriate by the department.

14 (2) Determine, when developing or amending its land management plans, the
15 following:

16 (A) If the department-managed wildlife areas, or any portion of those areas, are
17 suitable for apiculture and whether apiculture is consistent with the management
18 goals and objectives for those areas on a temporary, seasonal, or long-term basis.

19 (B) If the administration of apiculture on department-managed wildlife areas,
20 where deemed appropriate by the department, is meeting the management goals and
21 objectives for those areas.

22 (C) The appropriate fee and lease rent to be assessed for conducting apiculture on
23 department-managed wildlife areas. The amount of the fee shall be sufficient to
24 recover, but not exceed, all reasonable administrative and implementation costs of
25 the department. The lease rent shall take into account whether the lease is a
26 nonexclusive use of the land.

27 (b) The department, in implementing this section, may consult with apiculture
28 experts, including, but not limited to, the Department of Food and Agriculture, the
29 University of California, other academic or professional experts, and interested
30 stakeholders, when considering authorizing apiculture on department-managed
31 wildlife areas consistent with the respective management goals and objectives for
32 those areas.

33 (c) Moneys collected for conducting apiculture on department-managed wildlife
34 areas pursuant to subparagraph (C) of paragraph (2) of subdivision (a) shall be
35 deposited by the department into the Wildlife Restoration Fund or the Fish and
36 Game Preservation Fund and, upon appropriation by the Legislature, be used to
37 support the management, maintenance, restoration, and operation of department-
38 managed wildlife areas.

39 (d) The department may authorize the temporary placement of beehives on
40 department-managed wildlife areas through simple lease or permit agreements
41 specifying appropriate conditions. These agreements are not subject to competitive
42 bidding requirements.

1 (e) The department may continue any authorization for apiculture on department-
2 managed areas that it granted before January 1, 2015, without taking further action.

3 **Comment.** Sections 1250-1260 continue former Sections 1745-1745.2 without substantive
4 change.

5 **Fish & Game Code §§ 1300-1958 (division heading). Wildlife and Habitat Conservation**

6 SEC. _____. A division heading is added immediately preceding Section 1300 of
7 the Fish and Game Code, to read:

8 **DIVISION 2.5. WILDLIFE AND HABITAT CONSERVATION**

9 **Comment.** The division heading preceding Section 1300 is new. It was added for organizational
10 purposes. This is a nonsubstantive change.

11 **Fish & Game Code §§ 1300-1375 (chapter heading). Wildlife Conservation Law of 1947**

12 SEC. _____. The heading of Chapter 4 (commencing with Section 1300) of Division
13 2 of the Fish and Game Code is amended to read:

14 ~~CHAPTER 4.~~ CHAPTER 1. WILDLIFE CONSERVATION LAW OF 1947

15 **Comment.** The chapter heading preceding Section 1300 is renumbered for organizational
16 purposes. This is a nonsubstantive change.

17 **Fish & Game Code §§ 1385-1391 (chapter heading). California Riparian Habitat**
18 **Conservation Program**

19 SEC. _____. The heading of Chapter 4.1 (commencing with Section 1385) of
20 Division 2 of the Fish and Game Code is amended to read:

21 ~~CHAPTER 4.1.~~ CHAPTER 2. CALIFORNIA RIPARIAN HABITAT
22 CONSERVATION PROGRAM

23 **Comment.** The chapter heading preceding Section 1385 is renumbered for organizational
24 purposes. This is a nonsubstantive change.

25 **Fish & Game Code §§ 1400-1431 (chapter heading). Inland Wetlands Conservation**
26 **Program**

27 SEC. _____. The heading of Chapter 4.3 (commencing with Section 1400) of
28 Division 2 of the Fish and Game Code is amended to read:

29 ~~CHAPTER 4.3.~~ CHAPTER 3. INLAND WETLANDS CONSERVATION
30 PROGRAM

31 **Comment.** The chapter heading preceding Section 1400 is renumbered for organizational
32 purposes. This is a nonsubstantive change.

1 **Fish & Game Code §§ 1450-1458 (chapter heading). California Desert Conservation**
2 **Program**

3 SEC. _____. The heading of Chapter 4.4 (commencing with Section 1450) of
4 Division 2 of the Fish and Game Code is amended to read:

5 ~~CHAPTER 4.4.~~ CHAPTER 4. CALIFORNIA DESERT CONSERVATION
6 PROGRAM

7 **Comment.** The chapter heading preceding Section 1450 is renumbered for organizational
8 purposes. This is a nonsubstantive change.

9 **Fish & Game Code §§ 1725-1730 (repealed). Trout management**

10 SEC. _____. Chapter 7.2 (commencing with Section 1725) of Division 2 of the Fish
11 and Game Code is repealed.

12 **Comment.** Sections 1725-1730 are repealed. Those provisions are continued without substantive
13 change in Sections 7270-7284.

14 **Fish & Game Code §§ 1740-1743 (repealed). Black Bass conservation and management**

15 SEC. _____. Chapter 7.3 (commencing with Section 1740) of Division 2 of the Fish
16 and Game Code is repealed.

17 **Comment.** Sections 1740-1743 are repealed. Those provisions are continued without substantive
18 change in Sections 7450-7465.

19 **Fish & Game Code §§ 1745-1745.2 (repealed). Department-managed lands**

20 SEC. _____. Chapter 7.4 (commencing with Section 1745) of Division 2 of the Fish
21 and Game Code is repealed.

22 **Comment.** Sections 1745-1745.2 are repealed. Those provisions are continued without
23 substantive change in Sections 1250-1260.

24 **Fish & Game Code §§ 7270-7284 (added). Trout management**

25 SEC. _____. Article 1.4 (commencing with Section 7270) is added to Chapter 2 of
26 Part 2 of Division 6 of the Fish and Game Code, to read:

27 Article 1.4. Trout Management

28 7270. This act shall be known as the Trout and Steelhead Conservation and
29 Management Planning Act of 1979.

30 7272. The Legislature hereby finds and declares that it is the policy of the state to
31 do all of the following:

32 (a) Establish and maintain wild trout stocks, that, to the extent possible, should be
33 native fish, in suitable waters of the state that are readily accessible to the general
34 public as well as in those waters in remote areas.

35 (b) Establish angling regulations designed to maintain the wild trout fishery in
36 those waters by natural reproduction.

1 (c) Discourage artificial planting of hatchery-raised hybrid and nonnative fish
2 species in wild trout waters or in other areas that would adversely affect native
3 aquatic and nonaquatic species.

4 7274. The Legislature further finds and declares all of the following:

5 (a) Hatchery production and stocking of California’s waters started over 140 years
6 ago and is an enduring part of California’s history and attempts to steward its natural
7 resources.

8 (b) Sustainable and adaptive management provides and improves recreational
9 angling opportunities while protecting and maintaining native and wild trout
10 fisheries, other species, and their mutual habitat.

11 (c) Management of the genetic diversity of California’s native trout species is
12 imperative.

13 (d) Habitat restoration and the protection of cold water ecosystems are both of
14 utmost importance to maintaining healthy wild trout populations, ensuring and
15 promoting angler opportunities, and the sustainability of the inland trout fishery.

16 (e) The department shall seek to provide and enhance diverse recreational angling
17 opportunities in California.

18 7276. (a) For the purposes of this **article**, “trout” includes steelhead trout.

19 (b) The department, in administering its existing wild trout program, shall
20 maintain an inventory of all California trout streams and lakes to determine the most
21 suitable angling regulations for each stream or lake. The department shall determine
22 for each stream or lake whether it should be managed as a wild trout fishery, or
23 whether its management should involve the temporary planting of native trout
24 species to supplement wild trout populations that is consistent with this **article**. In
25 maintaining the inventory, the department shall give priority to those streams and
26 lakes that have the highest biological potential for producing sizeable wild trout,
27 which are inhabited by rare species, or where the quality of the fishery is threatened
28 or endangered and take into consideration public use. The biological and physical
29 inventories prepared and maintained for each stream, stream system, or lake shall
30 include an assessment of the resource status, threats to the continued well-being of
31 the fishery resource, the potential for fishery resource development, and
32 recommendations, including necessary changes in the allowed take of trout, for the
33 development of each stream or lake to its full capacity as a fishery, consistent with
34 this **article**.

35 (c) This section does not provide any public entity or private party with any new
36 or additional authority to affect the management of, or access to, any private land
37 without the written consent of the owner. Privately owned lakes and ponds not open
38 to the use of the general public shall be subject to this section only with the written
39 consent of the owner. This **article** shall not be construed as authorizing or requiring
40 special treatment of adjacent land areas or requiring land use restrictions. It is the
41 intent of the Legislature that this **article** should not diminish the existing authority
42 of the department.

1 (d) The department shall make the inventory maintained pursuant to subdivision
2 (b) publicly available on the department's internet website and the department shall
3 continuously revise that inventory with the goal of reviewing every watershed once
4 per decade.

5 7278. The Legislature further finds and declares that activities and programs
6 mandated by this **article** are a continuation and perpetuation of the department's
7 existing wild trout program and other programs, and as such they shall be funded
8 from existing budgetary resources.

9 7280. (a) In order to provide for a diversity of available angling experiences
10 throughout the state, it is the intent of the Legislature that the commission maintain
11 the existing wild trout program, and as part of the program, develop additional wild
12 trout waters in the more than 20,000 miles of trout streams and approximately 5,000
13 lakes containing trout in California.

14 (b) The department shall prepare a list of no less than 25 miles of stream or stream
15 segments and at least one lake that it deems suitable for designation as wild trout
16 waters. The department shall submit this list to the commission for its consideration
17 at the regular October commission meeting.

18 (c) The commission may remove any stream or lake that it has designated as a
19 wild trout fishery from the program at any time. If any of those waters are removed
20 from the program, an equivalent amount of stream mileage or an equivalent size
21 lake shall be added to the wild trout program.

22 (d) The department shall prepare and complete management plans for all wild
23 trout waters not more than three years following their initial designation by the
24 commission and update the management plan every five years following completion
25 of the initial management plan.

26 7282. (a) Every five years the department shall update the Strategic Plan for Trout
27 Management published in November 2003 as necessary to guide the state's trout
28 management.

29 (b) The Strategic Plan for Trout Management shall be intended to ensure all of the
30 following:

31 (1) Thriving and self-sustaining, wild and native trout populations throughout
32 their historic ranges.

33 (2) Providing and improving angling opportunities for wild and native trout and
34 other trout.

35 (3) Providing for the conservation of wild and native trout.

36 (4) Environmental sustainability and overall ecosystem and watershed health.

37 (c) The Strategic Plan for Trout Management shall be guided by all of the
38 following considerations:

39 (1) Adaptively managing trout populations, including, but not limited to, stocking
40 practices, to establish thriving and self-sustaining native and wild trout fisheries in
41 wild trout waters and, where possible, in other waters.

- 1 (2) Increasing angler satisfaction.
- 2 (3) Ensuring appropriate age distribution of wild trout when appropriate.
- 3 (4) Establishing ecologically and environmentally sustainable hatchery and
4 stocking practices for native trout, including, but not limited to, the following:
- 5 (A) Hatchery and stocking practices consistent with this **article**.
- 6 (B) Stocking plans shall include consideration of angler satisfaction and public
7 use of, and access to, the waters for angling. This may include, but is not limited to,
8 harvest and catch rates, including, but not limited to, trophy catch rates, the potential
9 for high angler satisfaction, and where appropriate, put and grow stocking.
- 10 (C) Native trout shall be preferentially stocked when stocking is employed.
- 11 (D) Designing stocking plans to maintain and optimize the genetic diversity of
12 trout populations and to be consistent with the direction provided by the strategic
13 trout management team.
- 14 (E) Stocking plans for species listed in Section 7261 shall not exceed the
15 documented biological carrying capacity of the water or ecosystem.
- 16 (5) Integrating stakeholder involvement into the planning process.
- 17 (6) Monitoring and evaluating management processes through angler surveys,
18 public meetings coordinated with county fish and game commissions, or by other
19 means.
- 20 (d) The department shall prepare and complete trout management plans consistent
21 with the Strategic Plan for Trout Management for all wild trout waters not more
22 than three years following their initial designation by the commission. The
23 department shall update the management plan every five years or as necessary
24 following completion of the initial management plan. The department shall prepare
25 trout management plans for other waters consistent with the Strategic Plan for Trout
26 Management as appropriate.
- 27 (e) Before implementation, the Strategic Plan for Trout Management produced by
28 the department shall be reviewed by the strategic trout management team, the
29 hatchery operations committee, and an ad hoc peer review committee convened by
30 the department to ensure compliance with sound management practices, improved
31 genetic diversity, and use of the best available scientific information.
- 32 (f) The Strategic Plan for Trout Management and plans completed pursuant to
33 subdivision (d) shall be publicly available on the department's internet website.
- 34 7282. (a) The department shall give priority to stocking native hatchery-produced
35 species in California's waters, where stocking is determined to be appropriate by
36 the department. Stocking of hatchery-produced fish is not appropriate in all of
37 California's waters, including, but not limited to, stocking in California's waters
38 that would adversely affect species listed under the federal Endangered Species Act
39 of 1973 (16 U.S.C. Sec. 1531 et seq.) or the California Endangered Species Act
40 (Chapter 1.5 (commencing with Section 2050) of Division 3).

1 (b) Hatchery-produced trout shall be stocked to support sustainable angling
2 recreation and promote angler access to trout fishing, including, but not limited to,
3 urban fisheries.

4 (c) The department may provide outreach and educational materials to all anglers
5 to promote awareness of environmental sustainability, ecosystem health, fish
6 genetics, angling opportunities, and fish population management.

7 (d) Educational programs utilizing the hatcheries shall be encouraged.

8 (e) The department shall ensure that all trout stocked in waters of the state for
9 recreational purposes are unable to reproduce through triploidy or other means, with
10 the exception of fish planted into brood stock lakes, surplus brood stock planted
11 according to fishery management decisions, fish planted to supplement waters that
12 the department has determined to be genetically isolated from native fish
13 populations, and native trout species produced for recovery and restoration within
14 their native range.

15 (f) The department may develop, conduct, and respond to regular angler
16 preference and satisfaction surveys. This is not a substitute for a preferred scientific
17 data collection and monitoring program that would facilitate adaptive management
18 of California's inland trout fisheries.

19 (g) The department shall review angling regulations periodically and adjust those
20 regulations to ensure consistency with the strategic plan described in **Section 7282**.

21 7284. (a) By January 1, 2014, the department shall form an intradepartmental
22 strategic trout management team to provide direction and oversee trout management
23 statewide. Working under the framework of the Strategic Plan for Trout
24 Management, the strategic trout management team shall direct and implement
25 focused management and monitoring efforts for trout at the watershed level, in
26 cooperation with local stakeholders.

27 (b) The strategic trout management team shall be responsible for developing basin
28 management plans that are conservation based and are consistent throughout
29 California for inland watersheds.

30 (c) The basin plans in subdivision (b) shall be reviewed by an ad hoc peer review
31 committee, which may be convened under the guidance of the department's Science
32 Institute to ensure compliance with sound management practices and utilization of
33 the best available scientific information.

34 **Comment.** Sections 7270-7284 continue former Sections 1725-1730 without substantive
35 change.

36 **Fish & Game Code §§ 7450-7465 (added). Black Bass conservation and management**

37 SEC. _____. Article 8 (commencing with Section 7450) is added to Chapter 2 of
38 Part 2 of Division 6 of the Fish and Game Code, to read:

1 Article 8. Black Bass Conservation and Management

2 7450. This **article** shall be known as the Black Bass Conservation and
3 Management Act of 1980.

4 7455. The Legislature hereby finds and declares that it is the policy of the state to
5 preserve and enhance black bass resources and to manage black bass populations to
6 provide satisfactory recreational opportunities to the public.

7 7460. The Legislature further finds and declares that the black bass management
8 program components specified in this **article** are a continuation of the department's
9 existing warmwater fisheries program, and, as such, shall be funded from existing
10 department budgetary resources.

11 7465. (a) The department's black bass management program shall include, but not
12 be limited to, the following components:

13 (1) The department shall determine the angler harvest of black bass populations
14 and shall recommend to the commission the changes in angling regulations for black
15 bass that would be necessary to prevent or correct overharvest.

16 (2) The department shall consider recommending to the commission catch and
17 release regulations for black bass, including minimum or maximum size restrictions
18 and management for trophy-sized black bass in some waters.

19 (3) The department shall consider the suitability of the many different species,
20 subspecies, and strains of black bass when management programs are formulated.

21 (4) The department shall improve shoreline habitat for black bass in waters where
22 insufficient habitat exists and shall encourage reservoir operating agencies to carry
23 out shoreline habitat improvement projects.

24 (b) For the purposes of this section, "black bass" means fishes of the
25 Centrarchidae family.

26 **Comment.** Sections 7450-7465 continue former Sections 1740-1743 without substantive
27 change.

28 **Fish & Game Code §§ 15800-15860 (added). Wildlife Violator Compact**

29 SEC. _____. Division 12.5 (commencing with Section 15800) is added to the Fish
30 and Game Code, to read:

31 DIVISION 12.5. WILDLIFE VIOLATOR COMPACT

32 CHAPTER 1. GENERAL PROVISIONS

33 15800. The Wildlife Violator Compact is hereby enacted into law and entered into
34 with all other participating states.

35 15805. It is the policy of this state in entering into the compact to do all of the
36 following:

1 (a) Promote compliance with the statutes, ordinances, and administrative rules
2 and regulations relating to the management of wildlife resources in this state.

3 (b) Recognize the suspension of wildlife license privileges of any person whose
4 license privileges have been suspended by a participating state and treat that
5 suspension as if it had occurred in the licensee's home state if the violation that
6 resulted in the suspension could have been the basis for suspension in the home
7 state.

8 (c) Allow a violator, except as provided in subdivision (b) of **Section 15820**, to
9 accept a wildlife citation and, without delay or detention, proceed on his or her way
10 whether or not the violator is a resident of the state in which the citation was issued,
11 if the violator's home state is a party to this compact.

12 (d) Report to the appropriate participating states, as provided in the compact
13 manual, any conviction recorded against any person whose home state was not the
14 issuing state.

15 (e) Allow the home state to recognize and treat convictions recorded against its
16 residents, if those convictions occurred in a participating state, as though they had
17 occurred in the home state.

18 (f) Extend cooperation to its fullest extent among the participating states for
19 enforcing compliance with the terms of a wildlife citation issued in one participating
20 state to a resident of another participating state.

21 (g) Maximize effective use of law enforcement personnel and information.

22 (h) Assist court systems in the efficient disposition of wildlife violations.

23 15810. The purposes of this **division** include both of the following:

24 (a) To provide a means by which participating states may join in a reciprocal
25 program to effectuate the policies enumerated in **Section 15805** in a uniform and
26 orderly manner.

27 (b) To provide for the fair and impartial treatment of wildlife violators operating
28 within participating states in recognition of the violator's right to due process and
29 the sovereign status of the participating states.

30 CHAPTER 2. DEFINITIONS

31 15815. For purposes of this **division**, the following terms have the following
32 meanings:

33 (a) "Board" means the board of compact administrators established pursuant to
34 **Section 15840**.

35 (b) "Citation" means any summons, complaint, ticket, penalty assessment, or
36 other official document issued to a person by a wildlife officer or other peace officer
37 for a wildlife violation pertaining to sport fishing, hunting, or trapping, which
38 contains an order requiring the person to respond.

1 (c) “Collateral” means any cash or other security deposited to secure an
2 appearance for trial in connection with the issuance by a wildlife officer or other
3 peace officer of a citation for a wildlife violation.

4 (d) “Compact manual” is a manual used and adopted by the participating states
5 that prescribes the procedures to be followed in administering the wildlife violator
6 compact in participating states.

7 (e) “Compliance,” with respect to a citation, means the act of answering a
8 citation through an appearance in a court or tribunal, or through the payment of
9 fines, penalties, costs, and surcharges, if any.

10 (f) “Conviction” means a conviction, including, but not limited to, any court
11 conviction for an offense related to sport fishing, hunting, or trapping, that is
12 prohibited by statute, ordinance, or administrative rule or regulation, that involves
13 the forfeiture of any bail, bond, or other security deposited to secure appearance by
14 a person charged with having committed any such offense, the payment of a penalty
15 assessment, a plea of nolo contendere, and the imposition of a deferred or suspended
16 sentence by the court.

17 (g) “Court” means a court of law, including magistrate’s court and the justice of
18 the peace court.

19 (h) “Home state” means the state of primary residence of a person.

20 (i) “Issuing state” means the participating state that issues a wildlife citation to
21 the violator.

22 (j) “License” means any license, permit, entitlement to use, or other public
23 document that conveys to the person to whom it is issued the privilege of sport
24 fishing, hunting, or trapping, that is regulated by statute, ordinance, or
25 administrative rule or regulation of a participating state.

26 (k) “Licensing authority,” with reference to this state, means the department,
27 which is the state agency authorized by law to issue or approve licenses or permits
28 to sport fish, hunt, or trap.

29 (l) “Participating state” means any state that enacts legislation to become a
30 member of the wildlife compact.

31 (m) “Personal recognizance” means an agreement by a person made at the time
32 of issuance of the wildlife citation that the person will comply with the terms of the
33 citation.

34 (n) “State” means any state, territory, or possession of the United States, the
35 District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada,
36 and other countries.

37 (o) “Suspension” means any revocation, denial, or withdrawal of any or all
38 license privileges, including the privilege to apply for, purchase, or exercise the
39 benefits conferred by any license for sport fishing, hunting, or trapping.

40 (p) “Terms of the citation” means those conditions and options expressly stated
41 upon a citation.

42 (q) “Wildlife” means all species of animals including, but not limited to,
43 mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are

1 defined as “wildlife” and are protected or otherwise regulated by statute, ordinance,
2 or administrative rule or regulation in a participating state. The species included in
3 the definition of “wildlife” vary from state to state and the determination of whether
4 a species is “wildlife” for the purposes of this compact shall be based on the law of
5 the participating state.

6 (r) “Wildlife law” means any statute, regulation, ordinance, or administrative
7 rule or regulation developed and enacted for the management of wildlife resources
8 and the uses thereof.

9 (s) “Wildlife officer” means any individual authorized in this state to issue a
10 citation for a wildlife violation.

11 (t) “Wildlife violation” means the violation of a statute, ordinance, or
12 administrative rule or regulation developed and enacted for the management of
13 wildlife resources and the uses thereof pertaining to sport fishing, hunting, and
14 trapping and for which a prosecution is initiated.

15 CHAPTER 3. ISSUING STATE VIOLATION PROCEDURES

16 15820. (a) Notwithstanding any other provision of law, when issuing a citation
17 for a wildlife violation for purposes of this **division**, a wildlife officer of the issuing
18 state may issue a citation to any person whose primary residence is in a participating
19 state in the same manner as though the person were a resident of the issuing state,
20 and shall not require that person to post collateral to secure appearance, except as
21 provided in subdivision (b), if the officer receives the personal recognizance of the
22 person that he or she will comply with the terms of the citation.

23 (b) Personal recognizance is acceptable unless prohibited by ordinance of a city
24 or county, the policy of the issuing agency, a procedure or regulation, or by the
25 compact manual, and only if the violator provides adequate proof of identification
26 to the wildlife officer.

27 (c) Upon conviction or failure of a person to comply with the terms of a wildlife
28 citation, the appropriate wildlife officer shall report the conviction or failure to
29 comply to the licensing authority of the participating state in which the wildlife
30 citation was issued. The report shall be made in accordance with procedures
31 specified by the issuing state, and shall contain information as prescribed in the
32 compact manual.

33 (d) Upon receipt of the report of conviction or noncompliance pursuant to
34 subdivision (c), the licensing authority of the issuing state shall transmit to the
35 licensing authority of the home state of the violator the information in the form and
36 content prescribed in the compact manual.

37 CHAPTER 4. HOME STATE PROCEDURES

38 15825. (a) Upon receipt of a report from the licensing authority of the issuing state
39 reporting the failure of a violator to comply with the terms of a citation, the licensing

1 authority shall notify the violator and shall initiate a suspension action. The
2 licensing authority shall suspend the violator's license privileges, in accordance
3 with the requirements of due process, until satisfactory evidence of compliance with
4 the terms of the wildlife citation has been furnished to the licensing authority.

5 (b) Upon receipt of a report of conviction from the licensing authority of the
6 issuing state, the licensing authority of the home state may enter that conviction in
7 its records and may treat the conviction as though it occurred in the home state for
8 the purposes of the suspension of license privileges, if the violation that resulted in
9 the conviction would constitute a wildlife violation in the home state.

10 (c) The licensing authority of the home state shall maintain a record of actions
11 taken and shall make reports to issuing states as provided in the compact manual.

12 CHAPTER 5. RECIPROCAL RECOGNITION OF SUSPENSION

13 15830. (a) As a participating member of the wildlife violator compact, the
14 licensing authority of this state may recognize the suspension of license privileges
15 of any person by any participating state if both of the following occur:

16 (1) The violation that resulted in the conviction would constitute a wildlife
17 violation in this state.

18 (2) The conviction that resulted in the suspension could have been the basis for
19 suspension under the statutes, ordinances, or administrative rules or regulations of
20 this state.

21 (b) The licensing authority shall communicate suspension information to other
22 participating states in the form and content prescribed by the compact manual.

23 CHAPTER 6. APPLICABILITY OF OTHER LAWS

24 15835. Except as expressly required by this **division**, this **division** shall not be
25 construed to affect the right of any participating state to apply any of its statutes,
26 ordinances, or administrative rules or regulations relating to license privileges to
27 any person or circumstance, or to invalidate or prevent any agreement or other
28 cooperative arrangement between a participating state and a nonparticipating state,
29 concerning wildlife law enforcement.

30 CHAPTER 7. COMPACT ADMINISTRATOR PROCEDURES

31 15840. (a)(1) A board of compact administrators is hereby established to serve as
32 a governing body for the resolution of all matters relating to the operation of this
33 compact. The board shall be composed of one member from each of the participating
34 states to be known as the compact administrator.

35 (2) A compact administrator of any participating state may provide for the
36 discharge of his or her duties and the performance of his or her functions as a board

1 member by an alternate, designated by that member. An alternate is not entitled to
2 serve unless written notification of his or her identity is provided to the board.

3 (3) The compact administrator for this state shall be appointed by the director
4 and shall serve, and be subject to removal, in accordance with the laws of this state.

5 (b) Each member of the board is entitled to one vote. No action of the board shall
6 be binding unless taken at a meeting at which a majority of the membership of the
7 board vote in favor thereof. Action by the board may only be taken at a meeting at
8 which a majority of the membership of the board is present.

9 (c) The board shall elect annually from its membership a chairperson and vice
10 chairperson.

11 (d) The board shall adopt bylaws, not inconsistent with this compact, and may
12 amend and rescind the bylaws.

13 (e) The board may accept for any of its purposes and functions under this
14 compact any donation and grant of money, equipment, supplies, materials, and
15 services, conditional or otherwise, from any state, the United States, or any
16 governmental agency, and may receive, utilize, and dispose thereof.

17 (f) The board may contract with, or accept services or personnel from, any
18 governmental or intergovernmental agency, individual, firm, or corporation,
19 including any private nonprofit organization or institution.

20 (g) The board shall formulate all necessary procedures and develop uniform
21 forms and documents for administering this compact. All procedures and forms
22 adopted pursuant to board action shall be contained in a compact manual.

23 CHAPTER 8. ENTRY INTO COMPACT AND WITHDRAWAL

24 15845. (a) This **division** shall become effective at such time as it is adopted in
25 substantially similar form by this state and one or more other states, subject to the
26 following conditions:

27 (1) The entry into the compact shall be made by resolution executed and ratified
28 by authorized officials of the applying state and submitted to the chairperson of the
29 board of contract administrators.

30 (2) The resolution shall substantially be in the form and content as provided in
31 the compact manual, and shall include all of the following:

32 (A) A citation of the authority authorizing the state to become a party to this
33 compact.

34 (B) An agreement to comply with the terms and provisions of this compact.

35 (C) An agreement that the state entering into the compact agrees to participate
36 with all participating states in the compact.

37 (b) The effective date of entry into the compact shall be specified by the applying
38 state but shall not be less than 60 days after notice has been given by either the
39 chairperson or secretary of the board to each participating state that the resolution
40 from the applying state has been received.

1 (c) A participating state may withdraw from participation in this compact by
2 giving written notice to the compact administrator of each participating state. The
3 withdrawal shall not become effective until 90 days from the date on which the
4 written notice of withdrawal is sent to each participating state. The withdrawal of
5 any state shall not affect the validity of this compact as to the remaining participating
6 states.

7 CHAPTER 9. AMENDMENTS TO THE COMPACT

8 15850. (a) This compact may be amended periodically. Amendments shall be
9 presented in resolution form to the chairperson of the board, and shall be initiated
10 by one or more participating states.

11 (b) The adoption of an amendment requires endorsement by all participating
12 states and becomes effective 30 days after the date of the last endorsement.

13 (c) The failure of any participating state to respond to the appropriate authority
14 within 60 days after receipt of a proposed amendment constitutes endorsement
15 thereof.

16 CHAPTER 10. CONSTRUCTION AND SEVERABILITY

17 15855. This compact shall be liberally construed to effectuate its purposes.

18 15860. The provisions of this **division** are severable. If any provision of this
19 **division** or its application is held invalid or contrary to the constitution of any
20 participating state or of the United States, that invalidity shall not affect other
21 provisions or applications that can be given effect without the invalid provision or
22 application.

23 **Comment.** Sections 15800-15860 continue former Sections 716-717.2 without substantive
24 change.

1 CONFORMING REVISIONS

2 **Bus. & Prof. Code § 26050.2 (amended). Provisional cannabis license**

3 SEC. _____. Section 26050.2 of the Business and Professions Code is amended to
4 read:

5 26050.2. (a)(1) Until June 30, 2022, except as provided in paragraphs (3) and (4),
6 the department may, in its sole discretion, issue a provisional license to an applicant
7 if the applicant has submitted a completed license application to the department,
8 including the following, if applicable:

9 (A) If compliance with the California Environmental Quality Act (Division 13
10 (commencing with Section 21000) of the Public Resources Code) is not complete,
11 evidence that compliance is underway.

12 (B) If compliance with local ordinances enacted pursuant to Section 26200 is not
13 complete, evidence that compliance is underway.

14 (C) Compliance with paragraphs (5) and (11) of subdivision (a) of Section
15 26051.5.

16 (D) For a license application that includes cultivation activities, any of the
17 following documents:

18 (i) A final streambed alteration agreement.

19 (ii) A draft streambed alteration agreement provided by the Department of Fish
20 and Wildlife and signed and returned to the Department of Fish and Wildlife.

21 (iii) Written verification by the Department of Fish and Wildlife that a streambed
22 alteration agreement is not needed.

23 (iv) Written verification by the Department of Fish and Wildlife that the applicant
24 has submitted a notification described in Section 1602 of the Fish and Game Code,
25 submitted payment of applicable fees pursuant to Section 1609 of the Fish and Game
26 Code, and is responsive to the Department of Fish and Wildlife. For purposes of this
27 subparagraph, an applicant is not responsive to the Department of Fish and Wildlife
28 if either of the following apply:

29 (I) The notification has been deemed incomplete a second time.

30 (II) After a notification has been deemed incomplete once, the Department of Fish
31 and Wildlife has not received requested information from the applicant for more
32 than 60 days.

33 (E) The application is submitted to the department on or before March 31, 2022.

34 (2) If an application for a cultivation license is submitted on or after January 1,
35 2022, the department shall not issue a provisional license pursuant to this section if
36 issuing the provisional license would cause a licensee to hold multiple cultivation
37 licenses on contiguous premises to exceed one acre of total canopy for outdoor
38 cultivation, or 22,000 square feet for mixed-light or indoor cultivation.

39 (3) Until June 30, 2023, the department may, in its sole discretion, issue a
40 provisional license for a local equity license application, provided that the applicant
41 meets the following requirements:

1 (A) The local equity applicant is not a cultivation license applicant for a premises
2 that exceeds one acre of total canopy for outdoor cultivation, or 22,000 square feet
3 for mixed-light or indoor cultivation.

4 (B) Issuing the license would not cause the applicant to hold multiple cultivation
5 licenses on contiguous premises to exceed one acre of total canopy for outdoor
6 cultivation, or 22,000 square feet for mixed-light or indoor cultivation.

7 (C) The local equity applicant satisfies all of the requirements in subparagraphs
8 (A) to (D), inclusive, of paragraph (1).

9 (D) The local equity applicant submits an application to the department on or
10 before March 31, 2023.

11 (4) Until September 30, 2022, the department may, in its sole discretion, issue a
12 provisional license to a cultivation license applicant, provided that the applicant
13 meets the following requirements:

14 (A) The applicant is not a cultivation license applicant for a premises that exceeds
15 20,000 square feet of total canopy for outdoor cultivation.

16 (B) Issuing the license would not cause the applicant to hold multiple cultivation
17 licenses on contiguous premises to exceed one acre of total canopy for outdoor
18 cultivation, or 22,000 square feet for mixed-light or indoor cultivation.

19 (C) The cultivation license applicant satisfies all of the requirements in
20 subparagraphs (A) to (D), inclusive, of paragraph (1).

21 (D) The cultivation license applicant submits an application to the department on
22 or before June 30, 2022.

23 (b) A provisional license issued pursuant to this section shall be valid for no more
24 than 12 months from the date it was issued or renewed. If the department issues or
25 renews a provisional license, it shall include the outstanding items needed to qualify
26 for an annual license specific to the licensee.

27 (c) The department may, in its sole discretion, renew a provisional license until it
28 issues or denies the provisional licensee's annual license, subject to the requirements
29 of this section.

30 (d) For a renewal of a provisional license beginning July 1, 2022, through June
31 30, 2023, the department shall not renew a provisional license unless the following
32 criteria are met:

33 (1) For cultivation licenses, to illustrate progress with compliance with Chapter 6
34 (commencing with Section 1600) of ~~Division 2~~ Division 2.5 of the Fish and Game
35 Code, one of the following documents:

36 (A) A final streambed alteration agreement issued by the Department of Fish and
37 Wildlife.

38 (B) A draft streambed alteration agreement provided by the Department of Fish
39 and Wildlife and signed and returned to the Department of Fish and Wildlife by the
40 provisional licensee.

41 (C) Written verification by the Department of Fish and Wildlife that the
42 provisional licensee has submitted a complete notification described in Section 1602
43 of the Fish and Game Code.

1 (D) Written verification by the Department of Fish and Wildlife that a streambed
2 alteration agreement is not needed.

3 (2) If compliance with the California Environmental Quality Act (Division 13
4 (commencing with Section 21000) of the Public Resources Code) is not yet
5 complete, a determination from the department that one of the following
6 requirements has been met:

7 (A) The lead agency is in the process of preparing a site-specific initial study,
8 addendum, or checklist pursuant to Section 15063, 15164, 15168, or 15183 of Title
9 14 of the California Code of Regulations to demonstrate whether it is consistent
10 with a previously circulated and adopted negative declaration, mitigated negative
11 declaration, or environmental impact report.

12 (B) If a local jurisdiction is the lead agency, the lead agency has made substantial
13 progress during the previous 12-month licensure term toward completing project-
14 specific environmental review by drafting, preparing, or circulating for public
15 review an environmental document pursuant to the California Environmental
16 Quality Act (Division 13 (commencing with Section 21000) of the Public Resources
17 Code).

18 (C) If the department is the lead agency, information requested by the department
19 of the provisional licensee that demonstrates the furtherance of environmental
20 review.

21 (D) Information submitted to the department by the provisional licensee applicant
22 that demonstrates evidence of substantial progress toward compliance with the
23 California Environmental Quality Act (Division 13 (commencing with Section
24 21000) of the Public Resources Code) during the previous 12-month licensure term.

25 (e) On or after July 1, 2023, the department shall not renew a provisional license
26 unless the following criteria are met:

27 (1) For cultivation licenses, to illustrate progress with compliance with Chapter 6
28 (commencing with Section 1600) of ~~Division 2~~ Division 2.5 of the Fish and Game
29 Code, one of the following documents:

30 (A) A final streambed alteration agreement issued by the Department of Fish and
31 Wildlife.

32 (B) A draft streambed alteration agreement provided by the Department of Fish
33 and Wildlife and signed and returned to the Department of Fish and Wildlife by the
34 provisional licensee.

35 (C) Written verification from the Department of Fish and Wildlife that a
36 streambed alteration agreement is not needed.

37 (2) If compliance with the California Environmental Quality Act (Division 13
38 (commencing with Section 21000) of the Public Resources Code) is not yet
39 complete, to illustrate progress with compliance, a determination from the
40 department that one of the following has been met:

41 (A) The lead agency for the license has prepared and circulated for public review
42 a negative declaration or a mitigated negative declaration.

1 (B) The lead agency for the license has determined that an environmental impact
2 report is required pursuant to Section 21157 of the Public Resources Code and has
3 either made substantial progress in preparing that environmental impact report or
4 has a contract or contracts with consultants in place for the preparation of that
5 environmental impact report.

6 (C) The lead agency has certified to the department that it has conducted a
7 reasonably comprehensive site-specific review and has reviewed, prepared, and
8 deemed complete an initial study, addendum, or checklist pursuant to Section
9 15063, 15164, 15168, or 15183 of Title 14 of the California Code of Regulations,
10 which demonstrates consistency with a previously circulated and adopted negative
11 declaration, mitigated negative declaration, or environmental impact report, in
12 preparation for approval of an annual license.

13 (D) The lead agency for the license has reviewed, prepared, and deemed complete
14 a notice of exemption pursuant to Section 21108 or 21152 of the Public Resources
15 Code, except for ministerial projects not subject to the California Environmental
16 Quality Act pursuant to paragraph (1) of subdivision (b) of Section 21080 of the
17 Public Resources Code.

18 (f) A provisional license authorizing cultivation activities shall not be renewed if
19 the department is notified of either or both of the following:

20 (1) The State Water Resources Control Board has notified the department that the
21 provisional licensee is not in compliance with subdivision (a) or (b) of Section
22 26060.1 or the principles, guidelines, and requirements established pursuant to
23 Section 13149 of the Water Code.

24 (2) The Department of Fish and Wildlife has notified the department that the
25 provisional licensee is not in compliance with any final streambed alteration
26 agreement, any conditions set forth in a signed draft streambed alteration agreement,
27 or a condition established pursuant to subdivision (a) or paragraphs (1) and (2) of
28 subdivision (b) of Section 26060.1.

29 (g)(1) After January 1, 2023, the department shall not renew a license pursuant to
30 this section for cultivation activities if renewing the license would cause a licensee
31 to hold multiple cultivation licenses on contiguous premises to exceed one acre of
32 total canopy for outdoor cultivation or 22,000 square feet for mixed-light or indoor
33 cultivation.

34 (2) After January 1, 2024, no provisional license that causes a licensee to hold
35 multiple cultivation licenses on contiguous premises to exceed one acre of total
36 canopy for outdoor cultivation or 22,000 square feet for mixed-light or indoor
37 cultivation shall be in effect.

38 (h) The department, in its sole discretion, may allow a provisional licensee to
39 move locations after the date provisional licenses can no longer be issued provided
40 that the new location is approved in compliance with California Environmental
41 Quality Act, and Chapter 6 (commencing with Section 1600) of ~~Division 2~~ Division
42 2.5 of the Fish and Game Code. If all other renewal requirements are satisfied, the
43 department may also renew the license at the new location.

1 (i) The department may, in its sole discretion, revoke or suspend a provisional
2 license if it determines the licensee failed to actively and diligently pursue
3 requirements for the annual license. The department shall adopt regulations
4 clarifying what constitutes actively and diligently pursuing requirements for the
5 annual license.

6 (j) The department shall cancel a provisional license upon issuance of an annual
7 license, denial of an annual license, abandonment of an application for licensure, or
8 withdrawal of an application for licensure.

9 (k) Except as specified in this section, the provisions of this division shall apply
10 to a provisional license in the same manner as to an annual license.

11 (l) Without limiting any other statutory exemption or categorical exemption,
12 Division 13 (commencing with Section 21000) of the Public Resources Code does
13 not apply to the issuance of a license pursuant to this section by the department,
14 except as otherwise provided in this section.

15 (m) Refusal by the department to issue a license pursuant to this section or
16 revocation or suspension by the department of a license issued pursuant to this
17 section shall not entitle the applicant or licensee to a hearing or an appeal of the
18 decision. Chapter 2 (commencing with Section 480) of Division 1.5 and Chapter 4
19 (commencing with Section 26040) of this division and Sections 26031 and 26058
20 shall not apply to licenses issued pursuant to this section.

21 (n) For purposes of this section, “streambed alteration agreement” has the same
22 meaning as the term “agreement” is defined in Section 1601 of the Fish and Game
23 Code, which includes both individual agreements and general agreements under
24 Section 1617 of the Fish and Game Code.

25 (o) The Department may not renew a provisional license after January 1, 2025 and
26 no provisional license shall be effective after January 1, 2026.

27 (p) This section shall remain in effect only until January 1, 2026, and as of that
28 date is repealed.

29 (q) It is the intent of the Legislature that no further exemptions from annual
30 licenses be adopted and that any licenses issued under this division after January 1,
31 2025, be issued in compliance with all relevant environmental laws.

32 (r) It is the intent of the Legislature that funds appropriated in Item 1115-101-
33 0001 of the Budget Act of 2021 shall be promptly deployed to allow local
34 jurisdictions to meet the deadlines in this Act.

35 **Comment.** Subdivisions (d), (e), and (h) of Section 26050.2 are amended to update cross-
36 references to former Chapter 6 of Division 2 of the Fish and Game Code. These are nonsubstantive
37 changes.

38 **Code Civ. Proc. § 1240.680 (amended). Federal grant moneys**

39 SEC. _____. Section 1240.680 of the Code of Civil Procedure is amended to read:
40 1240.680. (a) Subject to Sections 1240.690 and 1240.700, notwithstanding any
41 other provision of law, property is presumed to have been appropriated for the best

1 and most necessary public use if the property is appropriated to public use as any of
2 the following:

3 (1) A state, regional, county, or city park, open space, or recreation area.

4 (2) A wildlife or waterfowl management area established by the Department of
5 Fish and Game pursuant to Section 1525 of the Fish and Game Code.

6 (3) A historic site included in the National Register of Historic Places or state-
7 registered landmarks.

8 (4) An ecological reserve as provided for in Article 4 (commencing with Section
9 1580) of Chapter 5 of ~~Division 2~~ Division 2.5 of the Fish and Game Code.

10 (b) The presumption established by this section is a presumption affecting the
11 burden of proof.

12 **Comment.** Section 1240.680 is amended to update a cross-reference to former Division 2 of the
13 Fish and Game Code. This is a nonsubstantive change.

14 **Fish & Game Code § 90 (amended). Application of definitions**

15 SEC. ____. Section 90 of the Fish and Game Code is amended to read:

16 90. The definitions in this chapter govern the construction of Section 1022,
17 Chapter 7 (commencing with Section 1700) of ~~Division 2~~ Division 2.5, and Division
18 6 (commencing with Section 5500), and all regulations adopted pursuant to those
19 provisions.

20 **Comment.** Section 90 is amended to update a cross-reference to former Division 2 of the Fish
21 and Game Code. This is a nonsubstantive change.

22 **Fish & Game Code § 711.1 (amended). Federal grant moneys**

23 SEC. ____. Section 711.1 of the Fish and Game Code is amended to read:

24 711.1. (a) The expenditure of all federal grant moneys made available to the state
25 pursuant to the Federal Aid in Wildlife Restoration Act (16 U.S.C. Sec. 669 et seq.)
26 shall be consistent with that act.

27 (b) In applying for federal grant moneys available pursuant to the Federal Aid in
28 Wildlife Restoration Act, the department shall give priority to projects that fulfill
29 one or more of the following purposes:

30 (1) Management of the department's wildlife areas or other lands open to the
31 public for hunting and other public priority uses listed in paragraph (1) of
32 subdivision (d) of Section ~~4745~~ 1250.

33 (2) Conservation of, or scientific research concerning, wildlife or wildlife habitat.

34 (3) Support of the department's hunting-related programs, including hunter
35 education, public access, and target shooting.

36 (c) The department shall post a brief description of projects or programs funded
37 by moneys received pursuant to the Federal Aid in Wildlife Restoration Act on its
38 Internet Web site. The description shall include information about the budget of
39 each project or program.

40 (d) The department shall consult with any of the advisory committees established
41 pursuant to Sections 3684, 3702.1, and 3953 regarding all projects funded by the

1 Federal Aid in Wildlife Restoration Act that are relevant to the committee or
2 committees.

3 **Comment.** Section 711.1 is amended to update a cross-reference to former Section 1745. This
4 is a nonsubstantive change.

5 **Fish & Game Code § 1226 (amended). Donations**

6 SEC. _____. Section 1226 of the Fish and Game Code is amended to read:

7 1226. (a) The department may enter into one or more agreements to accept funds
8 from any person, nonprofit organization, or other public or private entity for
9 purposes relating to conservation programs, projects, and activities by the
10 department. Any funds received pursuant to this section shall be deposited in the
11 Fish and Game Preservation Fund. The funds received shall supplement existing
12 resources for purposes relating to conservation programs, projects, and activities by
13 the department.

14 (b) The department may enter into one or more agreements to accept services from
15 any person, nonprofit organization, or other public or private entity for purposes
16 relating to conservation programs, projects, and activities by the department. Under
17 the direction of the department, these services shall supplement existing staff
18 resources. Agreements for services for the management and operation of
19 department-managed lands shall be subject to the provisions of Section ~~1745~~ 1250.

20 **Comment.** Section 1226 is amended to update a cross-reference to former Section 1745. This is
21 a nonsubstantive change.

22 **Fish & Game Code § 1348 (amended). Acquisition of property**

23 SEC. _____. Section 1348 of the Fish and Game Code is amended to read:

24 1348. (a) The board shall authorize the acquisition of real property, rights in real
25 property, water, or water rights as may be necessary to carry out the purposes of this
26 chapter. The board may authorize acquisition by the department, but the department
27 shall not acquire any property pursuant to this subdivision by eminent domain
28 proceedings except that property as may be necessary to provide access roads or
29 rights-of-way to areas to be used for fishing the coastal waters of the Pacific Ocean,
30 and then only if the board of supervisors of the affected county has agreed by
31 resolution to those proceedings for each parcel of land, and has further agreed by
32 resolution to maintain the road or right-of-way. The board may authorize acquisition
33 by the State Public Works Board, which may effect acquisitions pursuant to the
34 Property Acquisition Law (Part 11 (commencing with Section 15850) of Division 3
35 of Title 2 of the Government Code).

36 (b) For the purposes of this chapter and ~~Chapter 4.1~~ Chapter 2 (commencing with
37 Section 1385), the board may authorize the acquisition of interests in real property
38 and water rights by means of gifts, purchases, leases, easements, the transfer or
39 exchange of property for other property of like value, transfers of development
40 rights or credits, and purchases of development rights, conservation easements, and
41 other interests.

1 (c) To further implement this chapter and ~~Chapter 4.1~~ Chapter 2 (commencing
2 with Section 1385), the board may authorize the department to do any of the
3 following:

4 (1) Accept federal grants and receive gifts, donations, subventions, rents,
5 royalties, and other financial support from public or private sources. Proceeds
6 received from any of these sources shall be deposited in the Wildlife Restoration
7 Fund or the Fish and Game Preservation Fund.

8 (2) Notwithstanding any other provision of law, lease, sell, exchange, or otherwise
9 transfer any real property, interest in real property, or option acquired by or held
10 under the jurisdiction of the board or the department. Except as provided in Section
11 1355, proceeds from transactions entered into pursuant to this paragraph shall be
12 deposited in the Wildlife Restoration Fund or the Fish and Game Preservation Fund.

13 (3) Lease degraded potential wildlife habitat real property to nonprofit
14 organizations, local governmental agencies, or state and federal agencies if the
15 lessee agrees to restore the real property to its highest possible wildlife habitat value
16 and maintain the real property at that highest possible wildlife habitat value. If
17 feasible, during the period of lease, the board may require that the real property be
18 open to the public for compatible recreational opportunities. Proceeds from any
19 lease or rental and interest thereon shall be deposited in the Wildlife Restoration
20 Fund or the Fish and Game Preservation Fund.

21 (4) Acquire former wildlife habitat real property, including riparian habitat real
22 property, restore and sell the real property, or any interest therein, to private owners,
23 local governmental agencies, or state departments and agencies, or exchange the
24 property for other real property, if a written and recorded agreement is first secured
25 to keep and maintain the real property as wildlife habitat in perpetuity. The
26 agreement shall contain a reversion if the real property sold or exchanged is not
27 maintained as wildlife habitat. The agreement containing the reversion shall be set
28 forth in any conveyance transferring any real property, interest in real property, or
29 option subject to this section. Proceeds from the sales shall be deposited in the
30 Wildlife Restoration Fund or the Fish and Game Preservation Fund.

31 **Comment.** Subdivisions (b) and (c) of Section 1348 are amended to update a cross-reference to
32 former Chapter 4.1 (commencing with Section 1385). This is a nonsubstantive change.

33 **Fish & Game Code § 1387 (amended). California Riparian Habitat Conservation Program**

34 SEC. _____. Section 1387 of the Fish and Game Code is amended to read:

35 1387. The Wildlife Conservation Board shall establish and administer, through
36 the department, the California Riparian Habitat Conservation Program pursuant to
37 this chapter and ~~Chapter 4~~ Chapter 1 (commencing with Section 1300). The purpose
38 and goal of the program is to protect, preserve, and restore riparian habitats
39 throughout the state by the acquisition of interests and rights in real property and
40 waters to the extent deemed necessary to carry out the purposes of the program.

41 **Comment.** Section 1387 is amended to update a cross-reference to former Chapter 4
42 (commencing with Section 1300). This is a nonsubstantive change.

1 **Fish & Game Code § 1453 (amended). California Desert Conservation Program**

2 SEC. _____. Section 1453 of the Fish and Game Code is amended to read:

3 1453. The board shall establish and administer, through the department, the
4 program pursuant to this chapter and ~~Chapter 4~~ Chapter 1 (commencing with
5 Section 1300). The purpose and goal of the program is to do all of the following:

6 (a) Protect, preserve, and restore the region’s natural, cultural, and physical
7 resources through the acquisition, restoration, and management of lands.

8 (b) Promote the protection and restoration of the biological diversity of the region,
9 including the recovery of threatened and endangered species.

10 (c) Provide for resilience within the region to climate change, including, but not
11 limited to, reducing the risk of natural disasters such as wildfires, controlling
12 invasive species, protecting and improving habitat connectivity, and protecting soil
13 carbon stores by limiting ground disturbance.

14 (d) Protect and improve air quality and water resources within the region.

15 (e) Undertake efforts to enhance public use and enjoyment of lands owned by the
16 public, with an emphasis on expanding opportunities for education and access to
17 public lands for communities that currently lack access.

18 **Comment.** Section 1453 is amended to update a cross-reference to former Chapter 4
19 (commencing with Section 1300). This is a nonsubstantive change.

20 **Fish & Game Code § 1797.5 (amended). Definitions**

21 SEC. _____. Section 1797.5 of the Fish and Game Code is amended to read:

22 1797.5. For the purposes of this chapter, the following terms shall have the
23 following meanings:

24 (a) “Bank” means a conservation bank, mitigation bank, or conservation and
25 mitigation bank.

26 (b) “Bank enabling instrument” means a written agreement with the department
27 regarding the establishment, use, operation, and maintenance of the bank.

28 (c) “Bank sponsor” means the person or entity responsible for establishing and
29 operating a bank.

30 (d) “Conservation bank” means a publicly or privately owned and operated site
31 that is to be conserved and managed in accordance with a written agreement with
32 the department that includes provisions for the issuance of credits, on which
33 important habitat, including habitat for threatened, endangered, or other special
34 status species, exists, has been, or will be created to do any of the following:

35 (1) Compensate for take or other adverse impacts of activities authorized pursuant
36 to Chapter 1.5 (commencing with Section 2050) of Division 3.

37 (2) Reduce adverse impacts to fish or wildlife resources from activities,
38 authorized pursuant to Chapter 6 (commencing with Section 1600) of ~~Division 2~~
39 Division 2.5, to less than substantial.

40 (3) Mitigate significant effects on the environment pursuant to the California
41 Environmental Quality Act (Division 13 (commencing with Section 21000) of the
42 Public Resources Code) and Guidelines for Implementation of the California

1 Environmental Quality Act (Chapter 3 (commencing with Section 15000) of
2 Division 6 of Title 14 of the California Code of Regulations).

3 (4) Establish mitigation in advance of any impacts or effects.

4 (5) To the extent feasible and practicable, protect habitat connectivity for fish and
5 wildlife resources for purposes of this section.

6 (e) “Conservation easement” means a perpetual conservation easement, as defined
7 by Section 815.1 of the Civil Code, covering the real property that comprises the
8 bank site.

9 (f) “Mitigation bank” means either of the following:

10 (1) A bank site or mitigation bank site as defined by Section 1777.2.

11 (2) Any publicly or privately owned and operated site, other than those defined
12 by Section 1777.2, on which wetlands exist, have been, or will be created, and that
13 is to be conserved and managed in accordance with a written agreement with the
14 department for any of the purposes described in paragraphs (1) to (4), inclusive, of
15 subdivision (d).

16 (g) “Person” has the meaning set forth in subdivision (b) of Section 711.2.

17 (h) “Prospectus” means a written summary of the proposed bank containing a
18 sufficient level of detail to support informed department review and comment.

19 **Comment.** Subdivision (d) of Section 1797.5 is amended to update a cross-reference to former
20 Chapter 4 (commencing with Section 1300). This is a nonsubstantive change.

21 **Fish & Game Code § 2080.1 (amended). Incidental take**

22 SEC. _____. Section 2080.1 of the Fish and Game Code is amended to read:

23 2080.1. (a) Notwithstanding any other provision of this chapter, or Chapter 10
24 (commencing with Section 1900) or Chapter 11 (commencing with Section 1925)
25 of ~~Division 2~~ Division 2.5, but subject to subdivision (c), if any person obtains from
26 the United States Secretary of the Interior or the United States Secretary of
27 Commerce an incidental take statement pursuant to Section 7 of the federal
28 Endangered Species Act of 1973 (16 U.S.C. Sec. 1536) or an incidental take permit
29 pursuant to Section 10 of that federal act (16 U.S.C. Sec. 1539) that authorizes the
30 taking of an endangered species or a threatened species that is listed pursuant to
31 Section 4 of that federal act (16 U.S.C. Sec. 1533) and that is an endangered species,
32 threatened species, or a candidate species pursuant to this chapter, no further
33 authorization or approval is necessary under this chapter for that person to take that
34 endangered species, threatened species, or candidate species identified in, and in
35 accordance with, the incidental take statement or incidental take permit, if that
36 person does all of the following:

37 (1) Notifies the director in writing that the person has received an incidental take
38 statement or an incidental take permit issued pursuant to the federal Endangered
39 Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).

40 (2) Includes in the notice to the director a copy of the incidental take statement or
41 incidental take permit.

1 (3) Includes with the notice payment of the permit application fee required
2 pursuant to Section 2081.2.

3 (b) Upon receipt of the notice specified in paragraph (1) of subdivision (a), the
4 director shall immediately have published in the General Public Interest section of
5 the California Regulatory Notice Register the receipt of that notice.

6 (c) Within 30 days after the director has received the notice described in
7 subdivision (a) that an incidental take statement or an incidental take permit has
8 been issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec.
9 1531 et seq.), the director shall determine whether the incidental take statement or
10 incidental take permit is consistent with this chapter. If the director determines
11 within that 30-day period, based upon substantial evidence, that the incidental take
12 statement or incidental take permit is not consistent with this chapter, then the taking
13 of that species may only be authorized pursuant to this chapter.

14 (d) The director shall immediately publish the determination pursuant to
15 subdivision (c) in the General Public Interest section of the California Regulatory
16 Notice Register.

17 (e) Unless deleted or extended by a later enacted statute that is chaptered before
18 the date this section is repealed, this section shall remain in effect only until, and is
19 repealed on, the effective date of an amendment to Section 7 or Section 10 of the
20 federal Endangered Species Act of 1973 (16 U.S.C. Secs. 1536 and 1539) that alters
21 the requirements for issuing an incidental take statement or an incidental take
22 permit, as applicable.

23 **Comment.** Subdivision (a) of Section 2080.1 is amended to update a cross-reference to former
24 Division 2. This is a nonsubstantive change.

25 **Fish & Game Code § 3051 (amended). Hunting instruction**

26 SEC. _____. Section 3051 of the Fish and Game Code is amended to read:

27 3051. (a) The department shall provide for a course of instruction in hunter
28 education, principles of conservation, and sportsmanship, and for this purpose may
29 cooperate with any reputable association or organization having as one of its
30 objectives the promotion of hunter safety, principles of conservation, and
31 sportsmanship.

32 (b) The department may designate as a hunter education instructor any person
33 found by it to be competent to give instruction in the courses required in this article.

34 (c) A hunter education instructor shall issue a certificate of completion as
35 provided by the department to a person who completes a course of instruction in
36 hunter safety, principles of conservation, and sportsmanship.

37 (d) The department shall prescribe a minimum level of skill and knowledge to be
38 required of all hunter education instructors, and may limit the number of students
39 per instructor in all required classes.

40 (e) The department may revoke the certificate of an instructor when, in the opinion
41 of the department, it is in the best interest of the state to do so.

1 (f) In order to recruit and retain hunter education instructors, the department shall
2 offer special hunting opportunities to qualified hunter education instructors by
3 providing a limited number of existing tags and other hunting opportunities. The
4 department may provide these tags and hunting opportunities through any of the
5 following methods:

6 (1) The private lands management program described in Article 5 (commencing
7 with Section 3400) of Chapter 2.

8 (2) The Shared Habitat Alliance for Recreational Enhancement (SHARE)
9 program described in Article 3 (commencing with Section 1570) of Chapter 5 of
10 ~~Division 2~~ Division 2.5.

11 (3) Entering into cooperative agreements with federal, state, and local agencies
12 that hold title to, or administer, lands or waters.

13 (4) Entering into cooperative agreements with landowners or tenants seeking
14 depredation permits for game mammals as described in Section 4188.

15 (5) Authorizing a maximum of 15 tags from the annual tag quota, as determined
16 by the department.

17 (g) The department shall determine eligibility criteria for hunter education
18 instructors seeking the hunting opportunities offered pursuant to subdivision (f). The
19 department shall offer hunting opportunities to eligible hunter education instructors
20 only by random drawing.

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

22 **Comment.** Section 3051 is amended to update a cross-reference to former Division 2. This is a
23 nonsubstantive change.

24 **Fish & Game Code § 3240.5 (amended). Commercial hunting club**

25 SEC. _____. Section 3240.5 of the Fish and Game Code is amended to read:

26 3240.5. (a) For purposes of this article, the following terms have the following
27 meanings:

28 (1) “Commercial hunting club” means property with respect to which a fee is
29 imposed or collected for either of the following:

30 (A) Taking or attempting to take birds or mammals on the property.

31 (B) A type of entry or use permit that includes permission to take birds or
32 mammals on the property.

33 (2) “Property” means a number of contiguous legal parcels owned by one or more
34 owners and held out for a common purpose.

35 (b) A person, including, but not limited to, an owner, renter, or lessee, who is in
36 possession or control of a commercial hunting club, shall procure a commercial
37 hunting club license before a bird or mammal may be taken on the property.

38 (c) This article does not apply under any of the following circumstances:

39 (1) The fees described in paragraph (1) of subdivision (a) that are received by the
40 owner, renter or lessee of the property are less than one hundred dollars (\$100) per
41 entrant and total less than one thousand dollars (\$1,000) between July 1 and the

1 following June 30. Pursuant to Section 713, department may adjust the threshold
2 amounts established in this paragraph.

3 (2) The property is used in conjunction with the Shared Habitat Alliance for
4 Recreational Enhancement (SHARE) program under Article 3 (commencing with
5 Section 1570) of Chapter 5 of ~~Division 2~~ Division 2.5.

6 (3) A domesticated game bird hunting club licensed under Article 3 (commencing
7 with Section 3270) operates on the property.

8 (4) A domesticated migratory game bird shooting area licensed under Article 4
9 (commencing with Section 3300) operates on the property.

10 (5) The property is used by a hunting club or program licensed under regulations
11 adopted pursuant to this code.

12 (6) The property is used in conjunction with the private wildlife habitat
13 enhancement and management program under Article 5 (commencing with Section
14 3400).

15 (7) The property is used for an officially sanctioned field trial event pursuant to
16 regulations adopted pursuant to this code.

17 (8) The property is subject to a recorded state, federal, or nonprofit wildlife
18 conservation or agricultural easement or is enrolled in a habitat protection or
19 enhancement program under this code, including, but not limited to, Article 7
20 (commencing with Section 3460).

21 (d) This chapter does not apply to an owner of property that is rented or leased to
22 a commercial hunting club, if the owner is not involved in the operation of the club
23 and the club is licensed in accordance with this chapter.

24 **Comment.** Subdivision (c) of Section 3240.5 is amended to update a cross-reference to former
25 Division 2. This is a nonsubstantive change.

26 **Fish & Game Code § 7260 (amended). Heritage trout waters**

27 SEC. ____. Section 7260 of the Fish and Game Code is amended to read:

28 7260. (a) The Legislature finds and declares all of the following:

29 (1) California has the greatest biodiversity of native trout species of any state in
30 the nation. Trout can be found in more than 18,000 miles of California’s cooler
31 streams. California’s trout are the principal sport fish in 3,581 cold-water lakes and
32 reservoirs.

33 (2) Self-sustaining native trout populations in “Heritage Trout Waters” that retain
34 and promote genetic trout diversity and overall sustainable watershed and
35 ecosystem environmental health are state policy.

36 (b) Funding for “Heritage Trout Waters” is a priority for the Hatchery and Inland
37 Fisheries Fund.

38 (c) The commission may designate “Heritage Trout Waters” to recognize the
39 beauty, diversity, historical significance, and special values of California’s native
40 trout. The commission’s designation shall meet both of the following criteria:

41 (1) Only waters supporting populations that best exemplify indigenous strains of
42 native trout within their historic drainages may qualify for designation.

1 (2) Only waters providing anglers with an opportunity to catch native trout
2 consistent with the conservation of the native trout may qualify for designation.

3 (3) Any stocking of heritage trout waters shall meet the criteria established by
4 ~~Chapter 7.2 (commencing with Section 1725) of Division 2~~ Article 1.4
5 (commencing with Section 7270).

6 **Comment.** Section 7260 is amended to update a cross-reference to former Chapter 7.2
7 (commencing with Section 1725) of Division 2. This is a nonsubstantive change.

8 **Fish & Game Code § 13007 (amended). Sport fishing license fee revenue**

9 SEC. _____. Section 13007 of the Fish and Game Code is amended to read:

10 13007. (a) Notwithstanding Section 13001, 33 1/3 percent of all sport fishing
11 license fees collected pursuant to Article 3 (commencing with Section 7145) of
12 Chapter 1 of Part 2 of Division 6, except license fees collected pursuant to Section
13 7149.8, shall be deposited into the Hatchery and Inland Fisheries Fund, which is
14 hereby established in the State Treasury. Moneys in the fund may be expended,
15 consistent with the Strategic Plan for Trout Management and ~~Chapter 7.2~~
16 (commencing with Section 1725) of Division 2 Article 1.4 (commencing with
17 Section 7270) Chapter 2 of Part 2 of Division 6, and, upon appropriation by the
18 Legislature, to support programs of the department related to management,
19 maintenance, and capital improvement of California's fish hatcheries, the Heritage
20 and Wild Trout program, and enforcement activities related thereto, and to support
21 other activities eligible to be funded from revenue generated by sport fishing license
22 fees.

23 (b) The department shall use sport fishing license fees collected and subject to
24 appropriation pursuant to subdivision (a) for the following purposes:

25 (1) For the department's attainment of a state hatchery production goal of 2.75
26 pounds of released trout per sport fishing license sold in the calendar year ending
27 two and one-half years earlier, based on the sales of the following types of sport
28 fishing licenses: resident; lifetime; nonresident year; nonresident, 10-day; 2-day; 1-
29 day; and reduced fee. The predominant number of released fish shall be of catchable
30 size or larger. The department shall attain this goal in compliance with Fish and
31 Game Commission trout policies concerning catchable-sized trout stocking, the
32 Strategic Plan for Trout Management, and ~~Chapter 7.2 (commencing with Section~~
33 1725) of Division 2 Article 1.4 (commencing with Section 7270) Chapter 2 of Part
34 2 of Division 6.

35 (2) To the Heritage and Wild Trout Program, at least two million dollars
36 (\$2,000,000), for the following purposes:

37 (A) At least seven new permanent positions for the Heritage and Wild Trout
38 Program.

39 (B) Permanent positions and seasonal aides in each region of the state as necessary
40 to contribute to the objectives of this section, the objectives of the Strategic Plan for
41 Trout Management pursuant to Section ~~1728~~ 7282, and other activities necessary to
42 the program.

1 (C) The development of trout management plans pursuant to ~~Chapter 7.2~~
2 ~~(commencing with Section 1725) of Division 2~~ Article 1.4 (commencing with
3 Section 7270) Chapter 2 of Part 2 of Division 6.

4 (D) The department may expend up to 25 percent of the funds made available to
5 the Heritage and Wild Trout Program for watershed restoration projects, resource
6 assessment, or scientific inquiry. The department may enter into contracts with
7 qualified entities including local governments, special districts, tribes, and nonprofit
8 organizations for the purposes of this subparagraph.

9 (3) For the development of the department's Strategic Plan for Trout Management
10 pursuant to Section ~~1728~~ 7282.

11 (4) The department shall ensure that the numbers of native California trout, as
12 defined in Section 7261, produced are sufficient to equal or exceed 25 percent of
13 the numbers of trout produced by the state fish hatcheries to comply with paragraph
14 (1). The native trout produced in accordance with this paragraph shall support
15 department efforts to protect and restore cold water ecosystems, maintain biological
16 diversity, and provide diverse angling opportunities. Coastal rainbow
17 trout/steelhead produced for anadromous mitigation purposes shall be excluded
18 from contributing to the native trout production goals required by this paragraph.
19 Coastal rainbow trout/steelhead propagated for purposes other than anadromous
20 mitigation and released into their source watersheds may be counted toward the 25
21 percent native trout production goal. Native trout produced shall be naturally
22 indigenous stocks from their original source watersheds. The department may
23 release native trout produced into watersheds other than their original source
24 watershed only if the released trout will cause no harm to other native trout or other
25 biota in their original watersheds.

26 (5) The department may hire additional staff for state fish hatcheries, in order to
27 comply with this subdivision.

28 (c) The department may allocate any funds under this section, not necessary to
29 maintain the minimums specified in paragraphs (1) and (4) of subdivision (b), and
30 after the expenditure in paragraph (2) of subdivision (b), to the Fish and Game
31 Preservation Fund.

32 (d) The department may utilize federal funds to meet the funding formula
33 specified in subdivision (a) if those funds are otherwise legally available for this
34 purpose.

35 (e) A portion of the moneys subject to appropriation pursuant to subdivision (a)
36 may be used for the purpose of obtaining scientifically valid genetic determinations
37 of California native trout stocks, consistent with the department's Strategic Plan for
38 Trout Management.

39 (f) On an annual basis, the department shall invest in hatchery facility
40 improvements and rehabilitation to ensure progress towards achievement of the
41 hatchery fish production targets established pursuant to this section.

42 (g) Beginning January 1, 2015, the department may obtain hatchery-produced fish
43 from any California-based hatchery if all of the following criteria are satisfied:

1 (1) The goal specified in subdivision (b) is unmet.

2 (2) The department, following an inspection, determines that the California
3 hatchery is in compliance with operations, management, and monitoring standards
4 that are as stringent as those in effect at state hatcheries, in order to minimize the
5 risk of the spread of disease or invasive species into inland state waters and fisheries.

6 (3) The cost per fish or per pound of fish provided by the California hatchery shall
7 not exceed the cost to the department of state hatchery fish calculated equivalently
8 and including transportation costs.

9 **Comment.** Section 13007 is amended to update cross-references to former Chapter 7.2
10 (commencing with Section 1725) of Division 2 and former Section 1728. These are nonsubstantive
11 changes.

12 **Food & Agric. Code § 7270.5 (amended). Integrated weed management**

13 SEC. _____. Section 7270.5 of the Food and Agricultural Code is amended to read:

14 7270.5 For the purposes of this article:

15 (a) “Integrated weed management plan” means an ecosystem-based control
16 strategy that focuses on long-term prevention of weeds through a combination of
17 techniques, such as biological controls, judicious use of herbicides, modified land
18 management, and cultural practices, and where control practices are selected and
19 applied in a manner that minimizes the risks to human health, nontargeted
20 organisms, and the environment. An integrated weed management plan shall also,
21 when appropriate, comply with any applicable provisions of Chapter 6
22 (commencing with Section 1600) of ~~Division 2~~ Division 2.5 of the Fish and Game
23 Code, Division 6 (commencing with Section 11401) and Division 7 (commencing
24 with Section 12500) of the Food and Agricultural Code, and the California
25 Environmental Quality Act (Division 13 (commencing with Section 21000) of the
26 Public Resources Code).

27 (b) “Noxious and invasive weeds” means weeds that the department has
28 determined to be either noxious or invasive weed species.

29 (c) “Person” shall have the same meaning as in Section 38, but shall additionally
30 include the United States of America, and all political subdivisions, districts,
31 municipalities, and public agencies of the State of California.

32 (d) “Riverway” means the water, bed, shoreline, and riparian vegetation, of any
33 creek, including an “urban creek” as defined in Section 7048 of the Water Code,
34 stream, river, lake, reservoir, or other body of freshwater, including a “stream
35 environment zone” as defined in Section 66957 of the Government Code, as well as
36 enclosed bays and estuaries, as defined by Section 13391.5 of the Water Code.

37 **Comment.** Section 7270.5 is amended to update a cross-reference to former Division 2 of the
38 Fish and Game Code. This is a nonsubstantive change.

39 **Food & Agric. Code § 11281 (amended). Coyotes**

40 SEC. _____. Section 11281 of the Food and Agricultural Code is amended to read:

1 11281. If any coyotes are found to exist on land which is owned by the state, other
2 than lands subject to the control of the Department of Parks and Recreation and
3 other than ecological reserves established pursuant to Article 4 (commencing with
4 Section 1580) of Chapter 5 of ~~Division 2~~ Division 2.5 of the Fish and Game Code
5 and the coyotes are found to be causing damage on public or private land, the
6 director may control, may employ persons pursuant to Article 1 (commencing with
7 Section 11221) to control, or may contract with the commissioner to control, the
8 coyotes which are determined to be the cause of the damage.

9 **Comment.** Section 11281 is amended to update a cross-reference to former Division 2 of the
10 Fish and Game Code. This is a nonsubstantive change.

11 **Gov't Code § 65913.15 (amended). Streamlined application process**

12 SEC. _____. Section 65913.15 of the Government Code is amended to read:

13 65913.15. (a) Notwithstanding Section 65913.4, a development proponent may
14 submit an application for a development that is subject to the streamlined,
15 ministerial approval process provided by subdivision (b) and is not subject to a
16 conditional use permit if the development satisfies all of the following objective
17 planning standards:

18 (1) The development is located within the territorial boundaries or a specialized
19 residential planning area identified in the general plan of, and adjacent to existing
20 urban development within, any of the following:

- 21 (A) The City of Biggs.
- 22 (B) The City of Corning.
- 23 (C) The City of Gridley.
- 24 (D) The City of Live Oak.
- 25 (E) The City of Orland.
- 26 (F) The City of Oroville.
- 27 (G) The City of Willows.
- 28 (H) The City of Yuba City.

29 (2) The development is either a residential development or a mixed-use
30 development that includes residential units with at least two-thirds of the square
31 footage of the development designated for residential use, not including any land
32 that may be devoted to open-space or mitigation requirements.

33 (3) The development proponent has held at least one public meeting on the
34 proposed development before submitting an application pursuant to this
35 subdivision.

36 (4) The development has a minimum density of at least four units per acre.

37 (5) The development is located on a site that meets both of the following
38 requirements:

- 39 (A) The site is no more than 50 acres.
- 40 (B) The site is zoned for residential use or residential mixed-use development.

41 (6) The development, excluding any additional density or any other concessions,
42 incentives, or waivers of development standards granted pursuant to the Density

1 Bonus Law in Section 65915, is consistent with objective zoning standards,
2 objective subdivision standards, and objective design review standards in effect at
3 the time that the development is submitted to the local government pursuant to this
4 section.

5 (7) The development will achieve sustainability standards sufficient to receive a
6 gold certification under the United States Green Building Council's Leadership in
7 Energy and Environmental Design for Homes rating system or, in the case of a
8 mixed-use development, the Neighborhood Development or the New Construction
9 rating system, or the comparable rating under the GreenPoint rating system or
10 voluntary tier under the California Green Building Code (Part 11 (commencing with
11 Section 101) of Title 24 of the California Code of Regulations).

12 (8) The development is not located on a site that is any of the following:

13 (A) Either prime farmland or farmland of statewide importance, as defined
14 pursuant to United States Department of Agriculture land inventory and monitoring
15 criteria, as modified for California, and designated on the maps prepared by the
16 Farmland Mapping and Monitoring Program of the Department of Conservation that
17 is protected pursuant to the California Land Conservation Act of 1965 (Chapter 7
18 (commencing with Section 51200) of Part 1 of Division 1 of Title 5), or land zoned
19 or designated for agricultural protection or preservation by a local ballot measure
20 that was approved by the voters of that jurisdiction.

21 (B) Wetlands, as defined in the United States Fish and Wildlife Service Manual,
22 Part 660 FW 2 (June 21, 1993).

23 (C) Within a very high fire hazard severity zone, as determined by the Department
24 of Forestry and Fire Protection pursuant to Section 51178, or within a high or very
25 high fire hazard severity zone as indicated on maps adopted by the Department of
26 Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.

27 (D) A hazardous waste site that is listed pursuant to Section 65962.5 or a
28 hazardous waste site designated by the Department of Toxic Substances Control
29 pursuant to Section 25356 of the Health and Safety Code, unless the Department of
30 Toxic Substances Control has cleared the site for residential use or residential mixed
31 uses.

32 (E) Within a delineated earthquake fault zone as determined by the State
33 Geologist in any official maps published by the State Geologist, unless the
34 development complies with applicable seismic protection building code standards
35 adopted by the California Building Standards Commission under the California
36 Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13
37 of the Health and Safety Code), and by any local building department under Chapter
38 12.2 (commencing with Section 8875) of Division 1 of Title 2.

39 (F) Within a special flood hazard area subject to inundation by the 1 percent
40 annual chance flood (100-year flood) as determined by the Federal Emergency
41 Management Agency in any official maps published by the Federal Emergency
42 Management Agency. If a development proponent is able to satisfy all applicable
43 federal qualifying criteria in order to provide that the site satisfies this subparagraph

1 and is otherwise eligible for streamlined approval under this section, a local
2 government shall not deny the application on the basis that the development
3 proponent did not comply with any additional permit requirement, standard, or
4 action adopted by that local government that is applicable to that site. A
5 development may be located on a site described in this subparagraph if either of the
6 following are met:

7 (i) The site has been subject to a Letter of Map Revision prepared by the Federal
8 Emergency Management Agency and issued to the local government.

9 (ii) The site meets Federal Emergency Management Agency requirements
10 necessary to meet minimum flood plain management criteria of the National Flood
11 Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60
12 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the
13 Code of Federal Regulations.

14 (G) Within a regulatory floodway as determined by the Federal Emergency
15 Management Agency in any official maps published by the Federal Emergency
16 Management Agency.

17 (H) Lands identified for conservation in an adopted natural community
18 conservation plan adopted on or before January 1, 2019, pursuant to the Natural
19 Community Conservation Planning Act (Chapter 10 (commencing with Section
20 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant
21 to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or
22 other adopted natural resource protection plan.

23 (I) Habitat for protected species identified as candidate, sensitive, or species of
24 special status by state or federal agencies, fully protected species, or species
25 protected by any of the following:

26 (i) The federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).

27 (ii) The California Endangered Species Act (Chapter 1.5 (commencing with
28 Section 2050) of Division 3 of the Fish and Game Code).

29 (iii) The Native Plant Protection Act (Chapter 10 (commencing with Section
30 1900) of ~~Division 2~~ Division 2.5 of the Fish and Game Code).

31 (J) Lands under conservation easement.

32 (9) The development does not require the demolition of a historic structure that
33 was placed on a national, state, or local historic register.

34 (10) The development shall not be upon an existing parcel of land or site that is
35 governed under any of the following:

36 (A) The Mobilehome Residency Law (Chapter 2.5 (commencing with Section
37 798) of Title 2 of Part 2 of Division 2 of the Civil Code).

38 (B) The Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing
39 with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code).

40 (C) The Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of
41 Division 13 of the Health and Safety Code).

42 (D) The Special Occupancy Parks Act (Part 2.3 (commencing with Section
43 18860) of Division 13 of the Health and Safety Code).

1 (11)(A) If the development would require the demolition of any affordable
2 housing units, the development shall replace those units by providing at least the
3 same number of units of equivalent size to be made available at affordable housing
4 cost to, and occupied by, persons and families in the same income category as those
5 households in occupancy. If the income category of the household in occupancy is
6 not known, it shall be rebuttably presumed that lower income households occupied
7 the units in the same proportion of lower income households to all households
8 within the jurisdiction, as determined by the most recently available data from the
9 United States Department of Housing and Urban Development's Comprehensive
10 Housing Affordability Strategy database. All replacement calculations resulting in
11 fractional units shall be rounded to the next whole number.

12 (B) For purposes of this paragraph, "equivalent size" means that the replacement
13 units contain at least the same total number of bedrooms as the units being replaced.

14 (b)(1) If a local government determines that a development submitted pursuant to
15 this section is in conflict with any of the objective planning standards specified in
16 subdivision (a), it shall provide the development proponent written documentation
17 of which standard or standards the development conflicts with, and an explanation
18 for the reason or reasons the development conflicts with that standard or standards,
19 as follows:

20 (A) Within 60 days of submittal of the development to the local government
21 pursuant to this section if the development contains 150 or fewer housing units.

22 (B) Within 90 days of submittal of the development to the local government
23 pursuant to this section if the development contains more than 150 housing units.

24 (2) If the local government fails to provide the required documentation pursuant
25 to paragraph (1), the development shall be deemed to satisfy the objective planning
26 standards specified in subdivision (a).

27 (c) Any design review or public oversight of the development may be conducted
28 by the local government's planning commission or any equivalent commission
29 responsible for review and approval of development projects or the city council, as
30 appropriate. That design review or public oversight shall be objective and be strictly
31 focused on assessing compliance with criteria required for streamlined projects, as
32 well as any reasonable objective design standards published and adopted by
33 ordinance or resolution by a local government before submission of a development
34 application, and shall be broadly applicable to development within the jurisdiction.
35 That design review or public oversight shall be completed as follows and shall not
36 in any way inhibit, chill, or preclude the ministerial approval provided by this
37 section or its effect, as applicable:

38 (1) Within 90 days of submittal of the development to the local government
39 pursuant to this section if the development contains 150 or fewer housing units.

40 (2) Within 180 days of submittal of the development to the local government
41 pursuant to this section if the development contains more than 150 housing units.

42 (d) Notwithstanding any other law, a city, whether or not it has adopted an
43 ordinance governing automobile parking requirements for multifamily

1 developments, shall not impose automobile parking standards for a streamlined
2 development that was approved pursuant to this section if the development is
3 located within one-half mile from a high-quality bus corridor or major transit stop.

4 (e)(1) If a local government approves a development pursuant to this section, then,
5 notwithstanding any other law, that approval shall not expire if the project includes
6 public investment in housing affordability and 50 percent of the units are affordable
7 to households making below 80 percent of the area median income. For purposes of
8 this paragraph, “public investment in housing affordability” does not include tax
9 credits.

10 (2) If a local government approves a development pursuant to this section and the
11 project does not include 50 percent of the units affordable to households making
12 below 80 percent of the area median income, that approval shall automatically
13 expire after three years, except that a project may receive a one-time, one-year
14 extension if the project proponent provides documentation that there has been
15 significant progress toward getting the development construction ready, such as
16 filing a building permit application.

17 (3) If a local government approves a development pursuant to this section, that
18 approval shall remain valid for three years from the date of the final action
19 establishing that approval and shall remain valid thereafter for a project so long as
20 vertical construction of the development has begun and is in progress. Additionally,
21 the development proponent may request, and the local government shall have
22 discretion to grant, an additional one-year extension to the original three-year
23 period. The local government's action and discretion in determining whether to grant
24 the foregoing extension shall be limited to considerations and process set forth in
25 this section.

26 (4) If a local government approves a development pursuant to this section, the
27 local government shall file a notice of that approval with the Office of Planning and
28 Research.

29 (f)(1) A local government shall not adopt any requirement, including, but not
30 limited to, increased fees or inclusionary housing requirements, that applies to a
31 project solely or partially on the basis that the project is eligible to receive
32 ministerial or streamlined approval pursuant to this section.

33 (2) Notwithstanding paragraph (1), if the local government has adopted a local
34 ordinance that requires that a specified percentage of the units of a housing
35 development project be dedicated to households making below 80 percent of the
36 area median income, that local ordinance applies.

37 (g) This section does not affect a development proponent's ability to use any
38 alternative streamlined by right permit processing adopted by a local government,
39 including the provisions of subdivision (i) of Section 65583.2.

40 (h) For purposes of this section, the following terms have the following meanings:

41 (1) “Affordable housing” means housing available at affordable housing cost, and
42 occupied by, persons and families of low or moderate income as defined by Section
43 50093 of the Health and Safety Code, lower income households as defined by

1 Section 50079.5 of the Health and Safety Code, very low income households as
2 defined by Section 50105 of the Health and Safety Code, and extremely low income
3 households as defined by Section 50106 of the Health and Safety Code, for a period
4 of 55 years for rental housing and 45 years for owner-occupied housing.

5 (2) “Affordable housing cost” has the same meaning as “affordable housing cost”
6 described in Section 50052.5 of the Health and Safety Code.

7 (3) “Area median income” means area median income as periodically established
8 by the Department of Housing and Community Development pursuant to Section
9 50093 of the Health and Safety Code.

10 (4) “Development proponent” means the developer who submits an application
11 for streamlined approval pursuant to this section.

12 (5) “High-quality bus corridor” means a corridor with fixed route bus service with
13 service intervals no longer than 15 minutes during peak commute hours.

14 (6) “Local government” means a city or a county, including a charter city or a
15 charter county, that has jurisdiction over a development for which a development
16 proponent submits an application pursuant to this section.

17 (7) “Major transit stop” means a site containing an existing rail transit station, a
18 ferry terminal served by either a bus or rail transit service, or the intersection of two
19 or more major bus routes with a frequency of service interval of 15 minutes or less
20 during the morning and afternoon peak commute periods. “Major transit stop” shall
21 also include major transit stops included in a regional transportation plan adopted
22 pursuant to Chapter 2.5 (commencing with Section 65080).

23 (8)(A) “Objective zoning standards,” “objective subdivision standards,” and
24 “objective design review standards” mean standards that involve no personal or
25 subjective judgment by a public official and are uniformly verifiable by reference
26 to an external and uniform benchmark or criterion available and knowable by both
27 the development applicant or proponent and the public official before submittal.
28 These standards may be embodied in alternative objective land use specifications
29 adopted by a local government, and may include, but are not limited to, housing
30 overlay zones, specific plans, inclusionary zoning ordinances, and density bonus
31 ordinances, subject to subparagraph (B).

32 (B) A development shall be deemed consistent with the objective zoning standards
33 related to housing density, as applicable, if the density proposed is consistent with
34 the allowable residential density within that land use designation, notwithstanding
35 any specified unit allocation.

36 (i) This section shall remain in effect only until January 1, 2026, and as of that
37 date is repealed.

38 **Comment.** Section 65913.15 is amended to update a cross-reference to former Division 2 of the
39 Fish and Game Code. This is a nonsubstantive change.

40 **Gov’t Code § 65913.4 (amended). Streamlined application process**

41 SEC. _____. Section 65913.4 of the Government Code is amended to read:

1 65913.4. (a) A development proponent may submit an application for a
2 development that is subject to the streamlined, ministerial approval process
3 provided by subdivision (c) and is not subject to a conditional use permit if the
4 development complies with subdivision (b) and satisfies all of the following
5 objective planning standards:

6 (1) The development is a multifamily housing development that contains two or
7 more residential units.

8 (2) The development and the site on which it is located satisfy all of the following:

9 (A) It is a legal parcel or parcels located in a city if, and only if, the city boundaries
10 include some portion of either an urbanized area or urban cluster, as designated by
11 the United States Census Bureau, or, for unincorporated areas, a legal parcel or
12 parcels wholly within the boundaries of an urbanized area or urban cluster, as
13 designated by the United States Census Bureau.

14 (B) At least 75 percent of the perimeter of the site adjoins parcels that are
15 developed with urban uses. For the purposes of this section, parcels that are only
16 separated by a street or highway shall be considered to be adjoined.

17 (C) It is zoned for residential use or residential mixed-use development, or has a
18 general plan designation that allows residential use or a mix of residential and
19 nonresidential uses, and at least two-thirds of the square footage of the development
20 is designated for residential use. Additional density, floor area, and units, and any
21 other concession, incentive, or waiver of development standards granted pursuant
22 to the Density Bonus Law in Section 65915 shall be included in the square footage
23 calculation. The square footage of the development shall not include underground
24 space, such as basements or underground parking garages.

25 (3)(A) The development proponent has committed to record, prior to the issuance
26 of the first building permit, a land use restriction or covenant providing that any
27 lower or moderate income housing units required pursuant to subparagraph (B) of
28 paragraph (4) shall remain available at affordable housing costs or rent to persons
29 and families of lower or moderate income for no less than the following periods of
30 time:

31 (i) Fifty-five years for units that are rented.

32 (ii) Forty-five years for units that are owned.

33 (B) The city or county shall require the recording of covenants or restrictions
34 implementing this paragraph for each parcel or unit of real property included in the
35 development.

36 (4) The development satisfies subparagraphs (A) and (B) below:

37 (A) Is located in a locality that the department has determined is subject to this
38 subparagraph on the basis that the number of units that have been issued building
39 permits, as shown on the most recent production report received by the department,
40 is less than the locality's share of the regional housing needs, by income category,
41 for that reporting period. A locality shall remain eligible under this subparagraph
42 until the department's determination for the next reporting period.

1 (B) The development is subject to a requirement mandating a minimum
2 percentage of below market rate housing based on one of the following:

3 (i) The locality did not submit its latest production report to the department by the
4 time period required by Section 65400, or that production report reflects that there
5 were fewer units of above moderate-income housing issued building permits than
6 were required for the regional housing needs assessment cycle for that reporting
7 period. In addition, if the project contains more than 10 units of housing, the project
8 does either of the following:

9 (I) The project dedicates a minimum of 10 percent of the total number of units to
10 housing affordable to households making at or below 80 percent of the area median
11 income. However, if the locality has adopted a local ordinance that requires that
12 greater than 10 percent of the units be dedicated to housing affordable to households
13 making below 80 percent of the area median income, that local ordinance applies.

14 (II)(ia) If the project is located within the San Francisco Bay area, the project, in
15 lieu of complying with subclause (I), dedicates 20 percent of the total number of
16 units to housing affordable to households making below 120 percent of the area
17 median income with the average income of the units at or below 100 percent of the
18 area median income. However, a local ordinance adopted by the locality applies if
19 it requires greater than 20 percent of the units be dedicated to housing affordable to
20 households making at or below 120 percent of the area median income, or requires
21 that any of the units be dedicated at a level deeper than 120 percent. In order to
22 comply with this subclause, the rent or sale price charged for units that are dedicated
23 to housing affordable to households between 80 percent and 120 percent of the area
24 median income shall not exceed 30 percent of the gross income of the household.

25 (ib) For purposes of this subclause, "San Francisco Bay area" means the entire
26 area within the territorial boundaries of the Counties of Alameda, Contra Costa,
27 Marin, Napa, San Mateo, Santa Clara, Solano, and Sonoma, and the City and County
28 of San Francisco.

29 (ii) The locality's latest production report reflects that there were fewer units of
30 housing issued building permits affordable to either very low income or low-income
31 households by income category than were required for the regional housing needs
32 assessment cycle for that reporting period, and the project seeking approval
33 dedicates 50 percent of the total number of units to housing affordable to households
34 making at or below 80 percent of the area median income. However, if the locality
35 has adopted a local ordinance that requires that greater than 50 percent of the units
36 be dedicated to housing affordable to households making at or below 80 percent of
37 the area median income, that local ordinance applies.

38 (iii) The locality did not submit its latest production report to the department by
39 the time period required by Section 65400, or if the production report reflects that
40 there were fewer units of housing affordable to both income levels described in
41 clauses (i) and (ii) that were issued building permits than were required for the
42 regional housing needs assessment cycle for that reporting period, the project
43 seeking approval may choose between utilizing clause (i) or (ii).

1 (C)(i) A development proponent that uses a unit of affordable housing to satisfy
2 the requirements of subparagraph (B) may also satisfy any other local or state
3 requirement for affordable housing, including local ordinances or the Density Bonus
4 Law in Section 65915, provided that the development proponent complies with the
5 applicable requirements in the state or local law.

6 (ii) A development proponent that uses a unit of affordable housing to satisfy any
7 other state or local affordability requirement may also satisfy the requirements of
8 subparagraph (B), provided that the development proponent complies with
9 applicable requirements of subparagraph (B).

10 (iii) A development proponent may satisfy the affordability requirements of
11 subparagraph (B) with a unit that is restricted to households with incomes lower
12 than the applicable income limits required in subparagraph (B).

13 (5) The development, excluding any additional density or any other concessions,
14 incentives, or waivers of development standards granted pursuant to the Density
15 Bonus Law in Section 65915, is consistent with objective zoning standards,
16 objective subdivision standards, and objective design review standards in effect at
17 the time that the development is submitted to the local government pursuant to this
18 section, or at the time a notice of intent is submitted pursuant to subdivision (b),
19 whichever occurs earlier. For purposes of this paragraph, “objective zoning
20 standards,” “objective subdivision standards,” and “objective design review
21 standards” mean standards that involve no personal or subjective judgment by a
22 public official and are uniformly verifiable by reference to an external and uniform
23 benchmark or criterion available and knowable by both the development applicant
24 or proponent and the public official before submittal. These standards may be
25 embodied in alternative objective land use specifications adopted by a city or
26 county, and may include, but are not limited to, housing overlay zones, specific
27 plans, inclusionary zoning ordinances, and density bonus ordinances, subject to the
28 following:

29 (A) A development shall be deemed consistent with the objective zoning
30 standards related to housing density, as applicable, if the density proposed is
31 compliant with the maximum density allowed within that land use designation,
32 notwithstanding any specified maximum unit allocation that may result in fewer
33 units of housing being permitted.

34 (B) In the event that objective zoning, general plan, subdivision, or design review
35 standards are mutually inconsistent, a development shall be deemed consistent with
36 the objective zoning and subdivision standards pursuant to this subdivision if the
37 development is consistent with the standards set forth in the general plan.

38 (C) It is the intent of the Legislature that the objective zoning standards, objective
39 subdivision standards, and objective design review standards described in this
40 paragraph be adopted or amended in compliance with the requirements of Chapter
41 905 of the Statutes of 2004.

42 (D) The amendments to this subdivision made by the act adding this subparagraph
43 do not constitute a change in, but are declaratory of, existing law.

- 1 (6) The development is not located on a site that is any of the following:
- 2 (A) A coastal zone, as defined in Division 20 (commencing with Section 30000)
- 3 of the Public Resources Code.
- 4 (B) Either prime farmland or farmland of statewide importance, as defined
- 5 pursuant to United States Department of Agriculture land inventory and monitoring
- 6 criteria, as modified for California, and designated on the maps prepared by the
- 7 Farmland Mapping and Monitoring Program of the Department of Conservation, or
- 8 land zoned or designated for agricultural protection or preservation by a local ballot
- 9 measure that was approved by the voters of that jurisdiction.
- 10 (C) Wetlands, as defined in the United States Fish and Wildlife Service Manual,
- 11 Part 660 FW 2 (June 21, 1993).
- 12 (D) Within a very high fire hazard severity zone, as determined by the Department
- 13 of Forestry and Fire Protection pursuant to Section 51178, or within a high or very
- 14 high fire hazard severity zone as indicated on maps adopted by the Department of
- 15 Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.
- 16 This subparagraph does not apply to sites excluded from the specified hazard zones
- 17 by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have
- 18 adopted fire hazard mitigation measures pursuant to existing building standards or
- 19 state fire mitigation measures applicable to the development.
- 20 (E) A hazardous waste site that is listed pursuant to Section 65962.5 or a
- 21 hazardous waste site designated by the Department of Toxic Substances Control
- 22 pursuant to Section 25356 of the Health and Safety Code, unless the State
- 23 Department of Public Health, State Water Resources Control Board, or Department
- 24 of Toxic Substances Control has cleared the site for residential use or residential
- 25 mixed uses.
- 26 (F) Within a delineated earthquake fault zone as determined by the State Geologist
- 27 in any official maps published by the State Geologist, unless the development
- 28 complies with applicable seismic protection building code standards adopted by the
- 29 California Building Standards Commission under the California Building Standards
- 30 Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and
- 31 Safety Code), and by any local building department under Chapter 12.2
- 32 (commencing with Section 8875) of Division 1 of Title 2.
- 33 (G) Within a special flood hazard area subject to inundation by the 1 percent
- 34 annual chance flood (100-year flood) as determined by the Federal Emergency
- 35 Management Agency in any official maps published by the Federal Emergency
- 36 Management Agency. If a development proponent is able to satisfy all applicable
- 37 federal qualifying criteria in order to provide that the site satisfies this subparagraph
- 38 and is otherwise eligible for streamlined approval under this section, a local
- 39 government shall not deny the application on the basis that the development
- 40 proponent did not comply with any additional permit requirement, standard, or
- 41 action adopted by that local government that is applicable to that site. A
- 42 development may be located on a site described in this subparagraph if either of the
- 43 following are met:

1 (i) The site has been subject to a Letter of Map Revision prepared by the Federal
2 Emergency Management Agency and issued to the local jurisdiction.

3 (ii) The site meets Federal Emergency Management Agency requirements
4 necessary to meet minimum flood plain management criteria of the National Flood
5 Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60
6 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the
7 Code of Federal Regulations.

8 (H) Within a regulatory floodway as determined by the Federal Emergency
9 Management Agency in any official maps published by the Federal Emergency
10 Management Agency, unless the development has received a no-rise certification in
11 accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
12 If a development proponent is able to satisfy all applicable federal qualifying criteria
13 in order to provide that the site satisfies this subparagraph and is otherwise eligible
14 for streamlined approval under this section, a local government shall not deny the
15 application on the basis that the development proponent did not comply with any
16 additional permit requirement, standard, or action adopted by that local government
17 that is applicable to that site.

18 (I) Lands identified for conservation in an adopted natural community
19 conservation plan pursuant to the Natural Community Conservation Planning Act
20 (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game
21 Code), habitat conservation plan pursuant to the federal Endangered Species Act of
22 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection
23 plan.

24 (J) Habitat for protected species identified as candidate, sensitive, or species of
25 special status by state or federal agencies, fully protected species, or species
26 protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et
27 seq.), the California Endangered Species Act (Chapter 1.5 (commencing with
28 Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant
29 Protection Act (Chapter 10 (commencing with Section 1900) of ~~Division 2~~ Division
30 2.5 of the Fish and Game Code).

31 (K) Lands under conservation easement.

32 (7) The development is not located on a site where any of the following apply:

33 (A) The development would require the demolition of the following types of
34 housing:

35 (i) Housing that is subject to a recorded covenant, ordinance, or law that restricts
36 rents to levels affordable to persons and families of moderate, low, or very low
37 income.

38 (ii) Housing that is subject to any form of rent or price control through a public
39 entity's valid exercise of its police power.

40 (iii) Housing that has been occupied by tenants within the past 10 years.

41 (B) The site was previously used for housing that was occupied by tenants that
42 was demolished within 10 years before the development proponent submits an
43 application under this section.

1 (C) The development would require the demolition of a historic structure that was
2 placed on a national, state, or local historic register.

3 (D) The property contains housing units that are occupied by tenants, and units at
4 the property are, or were, subsequently offered for sale to the general public by the
5 subdivider or subsequent owner of the property.

6 (8) The development proponent has done both of the following, as applicable:

7 (A) Certified to the locality that either of the following is true, as applicable:

8 (i) The entirety of the development is a public work for purposes of Chapter 1
9 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

10 (ii) If the development is not in its entirety a public work, that all construction
11 workers employed in the execution of the development will be paid at least the
12 general prevailing rate of per diem wages for the type of work and geographic area,
13 as determined by the Director of Industrial Relations pursuant to Sections 1773 and
14 1773.9 of the Labor Code, except that apprentices registered in programs approved
15 by the Chief of the Division of Apprenticeship Standards may be paid at least the
16 applicable apprentice prevailing rate. If the development is subject to this
17 subparagraph, then for those portions of the development that are not a public work
18 all of the following shall apply:

19 (I) The development proponent shall ensure that the prevailing wage requirement
20 is included in all contracts for the performance of the work.

21 (II) All contractors and subcontractors shall pay to all construction workers
22 employed in the execution of the work at least the general prevailing rate of per
23 diem wages, except that apprentices registered in programs approved by the Chief
24 of the Division of Apprenticeship Standards may be paid at least the applicable
25 apprentice prevailing rate.

26 (III) Except as provided in subclause (V), all contractors and subcontractors shall
27 maintain and verify payroll records pursuant to Section 1776 of the Labor Code and
28 make those records available for inspection and copying as provided therein.

29 (IV) Except as provided in subclause (V), the obligation of the contractors and
30 subcontractors to pay prevailing wages may be enforced by the Labor
31 Commissioner through the issuance of a civil wage and penalty assessment pursuant
32 to Section 1741 of the Labor Code, which may be reviewed pursuant to Section
33 1742 of the Labor Code, within 18 months after the completion of the development,
34 by an underpaid worker through an administrative complaint or civil action, or by a
35 joint labor-management committee through a civil action under Section 1771.2 of
36 the Labor Code. If a civil wage and penalty assessment is issued, the contractor,
37 subcontractor, and surety on a bond or bonds issued to secure the payment of wages
38 covered by the assessment shall be liable for liquidated damages pursuant to Section
39 1742.1 of the Labor Code.

40 (V) Subclauses (III) and (IV) shall not apply if all contractors and subcontractors
41 performing work on the development are subject to a project labor agreement that
42 requires the payment of prevailing wages to all construction workers employed in
43 the execution of the development and provides for enforcement of that obligation

1 through an arbitration procedure. For purposes of this clause, “project labor
2 agreement” has the same meaning as set forth in paragraph (1) of subdivision (b) of
3 Section 2500 of the Public Contract Code.

4 (VI) Notwithstanding subdivision (c) of Section 1773.1 of the Labor Code, the
5 requirement that employer payments not reduce the obligation to pay the hourly
6 straight time or overtime wages found to be prevailing shall not apply if otherwise
7 provided in a bona fide collective bargaining agreement covering the worker. The
8 requirement to pay at least the general prevailing rate of per diem wages does not
9 preclude use of an alternative workweek schedule adopted pursuant to Section 511
10 or 514 of the Labor Code.

11 (B)(i) For developments for which any of the following conditions apply, certified
12 that a skilled and trained workforce shall be used to complete the development if
13 the application is approved:

14 (I) On and after January 1, 2018, until December 31, 2021, the development
15 consists of 75 or more units with a residential component that is not 100 percent
16 subsidized affordable housing and will be located within a jurisdiction located in a
17 coastal or bay county with a population of 225,000 or more.

18 (II) On and after January 1, 2022, until December 31, 2025, the development
19 consists of 50 or more units with a residential component that is not 100 percent
20 subsidized affordable housing and will be located within a jurisdiction located in a
21 coastal or bay county with a population of 225,000 or more.

22 (III) On and after January 1, 2018, until December 31, 2019, the development
23 consists of 75 or more units with a residential component that is not 100 percent
24 subsidized affordable housing and will be located within a jurisdiction with a
25 population of fewer than 550,000 and that is not located in a coastal or bay county.

26 (IV) On and after January 1, 2020, until December 31, 2021, the development
27 consists of more than 50 units with a residential component that is not 100 percent
28 subsidized affordable housing and will be located within a jurisdiction with a
29 population of fewer than 550,000 and that is not located in a coastal or bay county.

30 (V) On and after January 1, 2022, until December 31, 2025, the development
31 consists of more than 25 units with a residential component that is not 100 percent
32 subsidized affordable housing and will be located within a jurisdiction with a
33 population of fewer than 550,000 and that is not located in a coastal or bay county.

34 (ii) For purposes of this section, “skilled and trained workforce” has the same
35 meaning as provided in Chapter 2.9 (commencing with Section 2600) of Part 1 of
36 Division 2 of the Public Contract Code.

37 (iii) If the development proponent has certified that a skilled and trained
38 workforce will be used to complete the development and the application is
39 approved, the following shall apply:

40 (I) The applicant shall require in all contracts for the performance of work that
41 every contractor and subcontractor at every tier will individually use a skilled and
42 trained workforce to complete the development.

1 (II) Every contractor and subcontractor shall use a skilled and trained workforce
2 to complete the development.

3 (III) Except as provided in subclause (IV), the applicant shall provide to the
4 locality, on a monthly basis while the development or contract is being performed,
5 a report demonstrating compliance with Chapter 2.9 (commencing with Section
6 2600) of Part 1 of Division 2 of the Public Contract Code. A monthly report
7 provided to the locality pursuant to this subclause shall be a public record under the
8 California Public Records Act (Chapter 3.5 (commencing with Section 6250) of
9 Division 7 of Title 1) and shall be open to public inspection. An applicant that fails
10 to provide a monthly report demonstrating compliance with Chapter 2.9
11 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code
12 shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for
13 each month for which the report has not been provided. Any contractor or
14 subcontractor that fails to use a skilled and trained workforce shall be subject to a
15 civil penalty of two hundred dollars (\$200) per day for each worker employed in
16 contravention of the skilled and trained workforce requirement. Penalties may be
17 assessed by the Labor Commissioner within 18 months of completion of the
18 development using the same procedures for issuance of civil wage and penalty
19 assessments pursuant to Section 1741 of the Labor Code, and may be reviewed
20 pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall
21 be paid to the State Public Works Enforcement Fund.

22 (IV) Subclause (III) shall not apply if all contractors and subcontractors
23 performing work on the development are subject to a project labor agreement that
24 requires compliance with the skilled and trained workforce requirement and
25 provides for enforcement of that obligation through an arbitration procedure. For
26 purposes of this subparagraph, “project labor agreement” has the same meaning as
27 set forth in paragraph (1) of subdivision (b) of Section 2500 of the Public Contract
28 Code.

29 (C) Notwithstanding subparagraphs (A) and (B), a development that is subject to
30 approval pursuant to this section is exempt from any requirement to pay prevailing
31 wages or use a skilled and trained workforce if it meets both of the following:

32 (i) The project includes 10 or fewer units.

33 (ii) The project is not a public work for purposes of Chapter 1 (commencing with
34 Section 1720) of Part 7 of Division 2 of the Labor Code.

35 (9) The development did not or does not involve a subdivision of a parcel that is,
36 or, notwithstanding this section, would otherwise be, subject to the Subdivision Map
37 Act (Division 2 (commencing with Section 66410)) or any other applicable law
38 authorizing the subdivision of land, unless the development is consistent with all
39 objective subdivision standards in the local subdivision ordinance, and either of the
40 following apply:

41 (A) The development has received or will receive financing or funding by means
42 of a low-income housing tax credit and is subject to the requirement that prevailing
43 wages be paid pursuant to subparagraph (A) of paragraph (8).

1 (B) The development is subject to the requirement that prevailing wages be paid,
2 and a skilled and trained workforce used, pursuant to paragraph (8).

3 (10) The development shall not be upon an existing parcel of land or site that is
4 governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with
5 Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational
6 Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of
7 Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part
8 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety
9 Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section
10 18860) of Division 13 of the Health and Safety Code).

11 (b)(1)(A)(i) Before submitting an application for a development subject to the
12 streamlined, ministerial approval process described in subdivision (c), the
13 development proponent shall submit to the local government a notice of its intent to
14 submit an application. The notice of intent shall be in the form of a preliminary
15 application that includes all of the information described in Section 65941.1, as that
16 section read on January 1, 2020.

17 (ii) Upon receipt of a notice of intent to submit an application described in clause
18 (i), the local government shall engage in a scoping consultation regarding the
19 proposed development with any California Native American tribe that is
20 traditionally and culturally affiliated with the geographic area, as described in
21 Section 21080.3.1 of the Public Resources Code, of the proposed development. In
22 order to expedite compliance with this subdivision, the local government shall
23 contact the Native American Heritage Commission for assistance in identifying any
24 California Native American tribe that is traditionally and culturally affiliated with
25 the geographic area of the proposed development.

26 (iii) The timeline for noticing and commencing a scoping consultation in
27 accordance with this subdivision shall be as follows:

28 (I) The local government shall provide a formal notice of a development
29 proponent's notice of intent to submit an application described in clause (i) to each
30 California Native American tribe that is traditionally and culturally affiliated with
31 the geographic area of the proposed development within 30 days of receiving that
32 notice of intent. The formal notice provided pursuant to this subclause shall include
33 all of the following:

34 (ia) A description of the proposed development.

35 (ib) The location of the proposed development.

36 (ic) An invitation to engage in a scoping consultation in accordance with this
37 subdivision.

38 (II) Each California Native American tribe that receives a formal notice pursuant
39 to this clause shall have 30 days from the receipt of that notice to accept the
40 invitation to engage in a scoping consultation.

41 (III) If the local government receives a response accepting an invitation to engage
42 in a scoping consultation pursuant to this subdivision, the local government shall
43 commence the scoping consultation within 30 days of receiving that response.

1 (B) The scoping consultation shall recognize that California Native American
2 tribes traditionally and culturally affiliated with a geographic area have knowledge
3 and expertise concerning the resources at issue and shall take into account the
4 cultural significance of the resource to the culturally affiliated California Native
5 American tribe.

6 (C) The parties to a scoping consultation conducted pursuant to this subdivision
7 shall be the local government and any California Native American tribe traditionally
8 and culturally affiliated with the geographic area of the proposed development.
9 More than one California Native American tribe traditionally and culturally
10 affiliated with the geographic area of the proposed development may participate in
11 the scoping consultation. However, the local government, upon the request of any
12 California Native American tribe traditionally and culturally affiliated with the
13 geographic area of the proposed development, shall engage in a separate scoping
14 consultation with that California Native American tribe. The development
15 proponent and its consultants may participate in a scoping consultation process
16 conducted pursuant to this subdivision if all of the following conditions are met:

17 (i) The development proponent and its consultants agree to respect the principles
18 set forth in this subdivision.

19 (ii) The development proponent and its consultants engage in the scoping
20 consultation in good faith.

21 (iii) The California Native American tribe participating in the scoping
22 consultation approves the participation of the development proponent and its
23 consultants. The California Native American tribe may rescind its approval at any
24 time during the scoping consultation, either for the duration of the scoping
25 consultation or with respect to any particular meeting or discussion held as part of
26 the scoping consultation.

27 (D) The participants to a scoping consultation pursuant to this subdivision shall
28 comply with all of the following confidentiality requirements:

29 (i) Subdivision (r) of Section 6254.

30 (ii) Section 6254.10.

31 (iii) Subdivision (c) of Section 21082.3 of the Public Resources Code.

32 (iv) Subdivision (d) of Section 15120 of Title 14 of the California Code of
33 Regulations.

34 (v) Any additional confidentiality standards adopted by the California Native
35 American tribe participating in the scoping consultation.

36 (E) The California Environmental Quality Act (Division 13 (commencing with
37 Section 21000) of the Public Resources Code) shall not apply to a scoping
38 consultation conducted pursuant to this subdivision.

39 (2)(A) If, after concluding the scoping consultation, the parties find that no
40 potential tribal cultural resource would be affected by the proposed development,
41 the development proponent may submit an application for the proposed
42 development that is subject to the streamlined, ministerial approval process
43 described in subdivision (c).

1 (B) If, after concluding the scoping consultation, the parties find that a potential
2 tribal cultural resource could be affected by the proposed development and an
3 enforceable agreement is documented between the California Native American tribe
4 and the local government on methods, measures, and conditions for tribal cultural
5 resource treatment, the development proponent may submit the application for a
6 development subject to the streamlined, ministerial approval process described in
7 subdivision (c). The local government shall ensure that the enforceable agreement
8 is included in the requirements and conditions for the proposed development.

9 (C) If, after concluding the scoping consultation, the parties find that a potential
10 tribal cultural resource could be affected by the proposed development and an
11 enforceable agreement is not documented between the California Native American
12 tribe and the local government regarding methods, measures, and conditions for
13 tribal cultural resource treatment, the development shall not be eligible for the
14 streamlined, ministerial approval process described in subdivision (c).

15 (D) For purposes of this paragraph, a scoping consultation shall be deemed to be
16 concluded if either of the following occur:

17 (i) The parties to the scoping consultation document an enforceable agreement
18 concerning methods, measures, and conditions to avoid or address potential impacts
19 to tribal cultural resources that are or may be present.

20 (ii) One or more parties to the scoping consultation, acting in good faith and after
21 reasonable effort, conclude that a mutual agreement on methods, measures, and
22 conditions to avoid or address impacts to tribal cultural resources that are or may be
23 present cannot be reached.

24 (E) If the development or environmental setting substantially changes after the
25 completion of the scoping consultation, the local government shall notify the
26 California Native American tribe of the changes and engage in a subsequent scoping
27 consultation if requested by the California Native American tribe.

28 (3) A local government may only accept an application for streamlined,
29 ministerial approval pursuant to this section if one of the following applies:

30 (A) A California Native American tribe that received a formal notice of the
31 development proponent's notice of intent to submit an application pursuant to
32 subclause (I) of clause (iii) of subparagraph (A) of paragraph (1) did not accept the
33 invitation to engage in a scoping consultation.

34 (B) The California Native American tribe accepted an invitation to engage in a
35 scoping consultation pursuant to subclause (II) of clause (iii) of subparagraph (A)
36 of paragraph (1) but substantially failed to engage in the scoping consultation after
37 repeated documented attempts by the local government to engage the California
38 Native American tribe.

39 (C) The parties to a scoping consultation pursuant to this subdivision find that no
40 potential tribal cultural resource will be affected by the proposed development
41 pursuant to subparagraph (A) of paragraph (2).

1 (D) A scoping consultation between a California Native American tribe and the
2 local government has occurred in accordance with this subdivision and resulted in
3 agreement pursuant to subparagraph (B) of paragraph (2).

4 (4) A project shall not be eligible for the streamlined, ministerial process
5 described in subdivision (c) if any of the following apply:

6 (A) There is a tribal cultural resource that is on a national, state, tribal, or local
7 historic register list located on the site of the project.

8 (B) There is a potential tribal cultural resource that could be affected by the
9 proposed development and the parties to a scoping consultation conducted pursuant
10 to this subdivision do not document an enforceable agreement on methods,
11 measures, and conditions for tribal cultural resource treatment, as described in
12 subparagraph (C) of paragraph (2).

13 (C) The parties to a scoping consultation conducted pursuant to this subdivision
14 do not agree as to whether a potential tribal cultural resource will be affected by the
15 proposed development.

16 (5)(A) If, after a scoping consultation conducted pursuant to this subdivision, a
17 project is not eligible for the streamlined, ministerial process described in
18 subdivision (c) for any or all of the following reasons, the local government shall
19 provide written documentation of that fact, and an explanation of the reason for
20 which the project is not eligible, to the development proponent and to any California
21 Native American tribe that is a party to that scoping consultation:

22 (i) There is a tribal cultural resource that is on a national, state, tribal, or local
23 historic register list located on the site of the project, as described in subparagraph
24 (A) of paragraph (4).

25 (ii) The parties to the scoping consultation have not documented an enforceable
26 agreement on methods, measures, and conditions for tribal cultural resource
27 treatment, as described in subparagraph (C) of paragraph (2) and subparagraph (B)
28 of paragraph (4).

29 (iii) The parties to the scoping consultation do not agree as to whether a potential
30 tribal cultural resource will be affected by the proposed development, as described
31 in subparagraph (C) of paragraph (4).

32 (B) The written documentation provided to a development proponent pursuant to
33 this paragraph shall include information on how the development proponent may
34 seek a conditional use permit or other discretionary approval of the development
35 from the local government.

36 (6) This section is not intended, and shall not be construed, to limit consultation
37 and discussion between a local government and a California Native American tribe
38 pursuant to other applicable law, confidentiality provisions under other applicable
39 law, the protection of religious exercise to the fullest extent permitted under state
40 and federal law, or the ability of a California Native American tribe to submit
41 information to the local government or participate in any process of the local
42 government.

43 (7) For purposes of this subdivision:

1 (A) “Consultation” means the meaningful and timely process of seeking,
2 discussing, and considering carefully the views of others, in a manner that is
3 cognizant of all parties' cultural values and, where feasible, seeking agreement.
4 Consultation between local governments and Native American tribes shall be
5 conducted in a way that is mutually respectful of each party's sovereignty.
6 Consultation shall also recognize the tribes' potential needs for confidentiality with
7 respect to places that have traditional tribal cultural importance. A lead agency shall
8 consult the tribal consultation best practices described in the “State of California
9 Tribal Consultation Guidelines: Supplement to the General Plan Guidelines”
10 prepared by the Office of Planning and Research.

11 (B) “Scoping” means the act of participating in early discussions or investigations
12 between the local government and California Native American tribe, and the
13 development proponent if authorized by the California Native American tribe,
14 regarding the potential effects a proposed development could have on a potential
15 tribal cultural resource, as defined in Section 21074 of the Public Resources Code,
16 or California Native American tribe, as defined in Section 21073 of the Public
17 Resources Code.

18 (8) This subdivision shall not apply to any project that has been approved under
19 the streamlined, ministerial approval process provided under this section before the
20 effective date of the act adding this subdivision.

21 (c)(1) If a local government determines that a development submitted pursuant to
22 this section is in conflict with any of the objective planning standards specified in
23 subdivision (a), it shall provide the development proponent written documentation
24 of which standard or standards the development conflicts with, and an explanation
25 for the reason or reasons the development conflicts with that standard or standards,
26 as follows:

27 (A) Within 60 days of submittal of the development to the local government
28 pursuant to this section if the development contains 150 or fewer housing units.

29 (B) Within 90 days of submittal of the development to the local government
30 pursuant to this section if the development contains more than 150 housing units.

31 (2) If the local government fails to provide the required documentation pursuant
32 to paragraph (1), the development shall be deemed to satisfy the objective planning
33 standards specified in subdivision (a).

34 (3) For purposes of this section, a development is consistent with the objective
35 planning standards specified in subdivision (a) if there is substantial evidence that
36 would allow a reasonable person to conclude that the development is consistent with
37 the objective planning standards.

38 (d)(1) Any design review or public oversight of the development may be
39 conducted by the local government's planning commission or any equivalent board
40 or commission responsible for review and approval of development projects, or the
41 city council or board of supervisors, as appropriate. That design review or public
42 oversight shall be objective and be strictly focused on assessing compliance with
43 criteria required for streamlined projects, as well as any reasonable objective design

1 standards published and adopted by ordinance or resolution by a local jurisdiction
2 before submission of a development application, and shall be broadly applicable to
3 development within the jurisdiction. That design review or public oversight shall be
4 completed as follows and shall not in any way inhibit, chill, or preclude the
5 ministerial approval provided by this section or its effect, as applicable:

6 (A) Within 90 days of submittal of the development to the local government
7 pursuant to this section if the development contains 150 or fewer housing units.

8 (B) Within 180 days of submittal of the development to the local government
9 pursuant to this section if the development contains more than 150 housing units.

10 (2) If the development is consistent with the requirements of subparagraph (A) or
11 (B) of paragraph (9) of subdivision (a) and is consistent with all objective
12 subdivision standards in the local subdivision ordinance, an application for a
13 subdivision pursuant to the Subdivision Map Act (Division 2 (commencing with
14 Section 66410)) shall be exempt from the requirements of the California
15 Environmental Quality Act (Division 13 (commencing with Section 21000) of the
16 Public Resources Code) and shall be subject to the public oversight timelines set
17 forth in paragraph (1).

18 (e)(1) Notwithstanding any other law, a local government, whether or not it has
19 adopted an ordinance governing automobile parking requirements in multifamily
20 developments, shall not impose automobile parking standards for a streamlined
21 development that was approved pursuant to this section in any of the following
22 instances:

23 (A) The development is located within one-half mile of public transit.

24 (B) The development is located within an architecturally and historically
25 significant historic district.

26 (C) When on-street parking permits are required but not offered to the occupants
27 of the development.

28 (D) When there is a car share vehicle located within one block of the development.

29 (2) If the development does not fall within any of the categories described in
30 paragraph (1), the local government shall not impose automobile parking
31 requirements for streamlined developments approved pursuant to this section that
32 exceed one parking space per unit.

33 (f)(1) If a local government approves a development pursuant to this section, then,
34 notwithstanding any other law, that approval shall not expire if the project satisfies
35 both of the following requirements:

36 (A) The project includes public investment in housing affordability, beyond tax
37 credits.

38 (B) At least 50 percent of the units are affordable to households making at or
39 below 80 percent of the area median income.

40 (2)(A) If a local government approves a development pursuant to this section, and
41 the project does not satisfy the requirements of subparagraphs (A) and (B) of
42 paragraph (1), that approval shall remain valid for three years from the date of the
43 final action establishing that approval, or if litigation is filed challenging that

1 approval, from the date of the final judgment upholding that approval. Approval
2 shall remain valid for a project provided construction activity, including demolition
3 and grading activity, on the development site has begun pursuant to a permit issued
4 by the local jurisdiction and is in progress. For purposes of this subdivision, “in
5 progress” means one of the following:

6 (i) The construction has begun and has not ceased for more than 180 days.

7 (ii) If the development requires multiple building permits, an initial phase has
8 been completed, and the project proponent has applied for and is diligently pursuing
9 a building permit for a subsequent phase, provided that once it has been issued, the
10 building permit for the subsequent phase does not lapse.

11 (B) Notwithstanding subparagraph (A), a local government may grant a project a
12 one-time, one-year extension if the project proponent can provide documentation
13 that there has been significant progress toward getting the development construction
14 ready, such as filing a building permit application.

15 (3) If the development proponent requests a modification pursuant to subdivision
16 (g), then the time during which the approval shall remain valid shall be extended for
17 the number of days between the submittal of a modification request and the date of
18 its final approval, plus an additional 180 days to allow time to obtain a building
19 permit. If litigation is filed relating to the modification request, the time shall be
20 further extended during the pendency of the litigation. The extension required by
21 this paragraph shall only apply to the first request for a modification submitted by
22 the development proponent.

23 (4) The amendments made to this subdivision by the act that added this paragraph
24 shall also be retroactively applied to developments approved prior to January 1,
25 2022.

26 (g)(1)(A) A development proponent may request a modification to a development
27 that has been approved under the streamlined, ministerial approval process provided
28 in subdivision (c) if that request is submitted to the local government before the
29 issuance of the final building permit required for construction of the development.

30 (B) Except as provided in paragraph (3), the local government shall approve a
31 modification if it determines that the modification is consistent with the objective
32 planning standards specified in subdivision (a) that were in effect when the original
33 development application was first submitted.

34 (C) The local government shall evaluate any modifications requested pursuant to
35 this subdivision for consistency with the objective planning standards using the
36 same assumptions and analytical methodology that the local government originally
37 used to assess consistency for the development that was approved for streamlined,
38 ministerial approval pursuant to subdivision (c).

39 (D) A guideline that was adopted or amended by the department pursuant to
40 subdivision (l) after a development was approved through the streamlined,
41 ministerial approval process described in subdivision (c) shall not be used as a basis
42 to deny proposed modifications.

1 (2) Upon receipt of the development proponent's application requesting a
2 modification, the local government shall determine if the requested modification is
3 consistent with the objective planning standard and either approve or deny the
4 modification request within 60 days after submission of the modification, or within
5 90 days if design review is required.

6 (3) Notwithstanding paragraph (1), the local government may apply objective
7 planning standards adopted after the development application was first submitted to
8 the requested modification in any of the following instances:

9 (A) The development is revised such that the total number of residential units or
10 total square footage of construction changes by 15 percent or more. The calculation
11 of the square footage of construction changes shall not include underground space.

12 (B) The development is revised such that the total number of residential units or
13 total square footage of construction changes by 5 percent or more and it is necessary
14 to subject the development to an objective standard beyond those in effect when the
15 development application was submitted in order to mitigate or avoid a specific,
16 adverse impact, as that term is defined in subparagraph (A) of paragraph (1) of
17 subdivision (j) of Section 65589.5, upon the public health or safety and there is no
18 feasible alternative method to satisfactorily mitigate or avoid the adverse impact.
19 The calculation of the square footage of construction changes shall not include
20 underground space.

21 (C)(i) Objective building standards contained in the California Building Standards
22 Code (Title 24 of the California Code of Regulations), including, but not limited to,
23 building plumbing, electrical, fire, and grading codes, may be applied to all
24 modification applications that are submitted prior to the first building permit
25 application. Those standards may be applied to modification applications submitted
26 after the first building permit application if agreed to by the development proponent.

27 (ii) The amendments made to clause (i) by the act that added clause (i) shall also
28 be retroactively applied to modification applications submitted prior to January 1,
29 2022.

30 (4) The local government's review of a modification request pursuant to this
31 subdivision shall be strictly limited to determining whether the modification,
32 including any modification to previously approved density bonus concessions or
33 waivers, modify the development's consistency with the objective planning
34 standards and shall not reconsider prior determinations that are not affected by the
35 modification.

36 (h)(1) A local government shall not adopt or impose any requirement, including,
37 but not limited to, increased fees or inclusionary housing requirements, that applies
38 to a project solely or partially on the basis that the project is eligible to receive
39 ministerial or streamlined approval pursuant to this section.

40 (2)(A) A local government shall issue a subsequent permit required for a
41 development approved under this section if the application substantially complies
42 with the development as it was approved pursuant to subdivision (c). Upon receipt
43 of an application for a subsequent permit, the local government shall process the

1 permit without unreasonable delay and shall not impose any procedure or
2 requirement that is not imposed on projects that are not approved pursuant to this
3 section. The local government shall consider the application for subsequent permits
4 based upon the objective standards specified in any state or local laws that were in
5 effect when the original development application was submitted, unless the
6 development proponent agrees to a change in objective standards. Issuance of
7 subsequent permits shall implement the approved development, and review of the
8 permit application shall not inhibit, chill, or preclude the development. For purposes
9 of this paragraph, a “subsequent permit” means a permit required subsequent to
10 receiving approval under subdivision (c), and includes, but is not limited to,
11 demolition, grading, encroachment, and building permits and final maps, if
12 necessary.

13 (B) The amendments made to subparagraph (A) by the act that added this
14 subparagraph shall also be retroactively applied to subsequent permit applications
15 submitted prior to January 1, 2022.

16 (3)(A) If a public improvement is necessary to implement a development that is
17 subject to the streamlined, ministerial approval pursuant to this section, including,
18 but not limited to, a bicycle lane, sidewalk or walkway, public transit stop,
19 driveway, street paving or overlay, a curb or gutter, a modified intersection, a street
20 sign or street light, landscape or hardscape, an above-ground or underground utility
21 connection, a water line, fire hydrant, storm or sanitary sewer connection, retaining
22 wall, and any related work, and that public improvement is located on land owned
23 by the local government, to the extent that the public improvement requires approval
24 from the local government, the local government shall not exercise its discretion
25 over any approval relating to the public improvement in a manner that would inhibit,
26 chill, or preclude the development.

27 (B) If an application for a public improvement described in subparagraph (A) is
28 submitted to a local government, the local government shall do all of the following:

29 (i) Consider the application based upon any objective standards specified in any
30 state or local laws that were in effect when the original development application was
31 submitted.

32 (ii) Conduct its review and approval in the same manner as it would evaluate the
33 public improvement if required by a project that is not eligible to receive ministerial
34 or streamlined approval pursuant to this section.

35 (C) If an application for a public improvement described in subparagraph (A) is
36 submitted to a local government, the local government shall not do either of the
37 following:

38 (i) Adopt or impose any requirement that applies to a project solely or partially on
39 the basis that the project is eligible to receive ministerial or streamlined approval
40 pursuant to this section.

41 (ii) Unreasonably delay in its consideration, review, or approval of the
42 application.

1 (i)(1) This section shall not affect a development proponent's ability to use any
2 alternative streamlined by right permit processing adopted by a local government,
3 including the provisions of subdivision (i) of Section 65583.2.

4 (2) This section shall not prevent a development from also qualifying as a housing
5 development project entitled to the protections of Section 65589.5. This paragraph
6 does not constitute a change in, but is declaratory of, existing law.

7 (j) The California Environmental Quality Act (Division 13 (commencing with
8 Section 21000) of the Public Resources Code) does not apply to actions taken by a
9 state agency, local government, or the San Francisco Bay Area Rapid Transit
10 District to:

11 (1) Lease, convey, or encumber land owned by the local government or the San
12 Francisco Bay Area Rapid Transit District or to facilitate the lease, conveyance, or
13 encumbrance of land owned by the local government, or for the lease of land owned
14 by the San Francisco Bay Area Rapid Transit District in association with an eligible
15 TOD project, as defined pursuant to Section 29010.1 of the Public Utilities Code,
16 nor to any decisions associated with that lease, or to provide financial assistance to
17 a development that receives streamlined approval pursuant to this section that is to
18 be used for housing for persons and families of very low, low, or moderate income,
19 as defined in Section 50093 of the Health and Safety Code.

20 (2) Approve improvements located on land owned by the local government or the
21 San Francisco Bay Area Rapid Transit District that are necessary to implement a
22 development that receives streamlined approval pursuant to this section that is to be
23 used for housing for persons and families of very low, low, or moderate income, as
24 defined in Section 50093 of the Health and Safety Code.

25 (k) For purposes of this section, the following terms have the following meanings:

26 (1) “Affordable housing cost” has the same meaning as set forth in Section
27 50052.5 of the Health and Safety Code.

28 (2)(A) Subject to the qualification provided by subparagraph (B), “affordable
29 rent” has the same meaning as set forth in Section 50053 of the Health and Safety
30 Code.

31 (B) For a development for which an application pursuant to this section was
32 submitted prior to January 1, 2019, that includes 500 units or more of housing, and
33 that dedicates 50 percent of the total number of units to housing affordable to
34 households making at, or below, 80 percent of the area median income, affordable
35 rent for at least 30 percent of these units shall be set at an affordable rent as defined
36 in subparagraph (A) and “affordable rent” for the remainder of these units shall
37 mean a rent that is consistent with the maximum rent levels for a housing
38 development that receives an allocation of state or federal low-income housing tax
39 credits from the California Tax Credit Allocation Committee.

40 (3) “Department” means the Department of Housing and Community
41 Development.

42 (4) “Development proponent” means the developer who submits an application
43 for streamlined approval pursuant to this section.

1 (5) “Completed entitlements” means a housing development that has received all
2 the required land use approvals or entitlements necessary for the issuance of a
3 building permit.

4 (6) “Locality” or “local government” means a city, including a charter city, a
5 county, including a charter county, or a city and county, including a charter city and
6 county.

7 (7) “Moderate income housing units” means housing units with an affordable
8 housing cost or affordable rent for persons and families of moderate income, as that
9 term is defined in Section 50093 of the Health and Safety Code.

10 (8) “Production report” means the information reported pursuant to subparagraph
11 (H) of paragraph (2) of subdivision (a) of Section 65400.

12 (9) “State agency” includes every state office, officer, department, division,
13 bureau, board, and commission, but does not include the California State University
14 or the University of California.

15 (10) “Subsidized” means units that are price or rent restricted such that the units
16 are affordable to households meeting the definitions of very low and lower income,
17 as defined in Sections 50079.5 and 50105 of the Health and Safety Code.

18 (11) “Reporting period” means either of the following:

19 (A) The first half of the regional housing needs assessment cycle.

20 (B) The last half of the regional housing needs assessment cycle.

21 (12) “Urban uses” means any current or former residential, commercial, public
22 institutional, transit or transportation passenger facility, or retail use, or any
23 combination of those uses.

24 (l) The department may review, adopt, amend, and repeal guidelines to implement
25 uniform standards or criteria that supplement or clarify the terms, references, or
26 standards set forth in this section. Any guidelines or terms adopted pursuant to this
27 subdivision shall not be subject to Chapter 3.5 (commencing with Section 11340)
28 of Part 1 of Division 3 of Title 2 of the Government Code.

29 (m) The determination of whether an application for a development is subject to
30 the streamlined ministerial approval process provided by subdivision (c) is not a
31 “project” as defined in Section 21065 of the Public Resources Code.

32 (n) It is the policy of the state that this section be interpreted and implemented in
33 a manner to afford the fullest possible weight to the interest of, and the approval and
34 provision of, increased housing supply.

35 (o) This section shall remain in effect only until January 1, 2026, and as of that
36 date is repealed.

37 **Comment.** Section 65913.4 is amended to update a cross-reference to former Division 2 of the
38 Fish and Game Code. This is a nonsubstantive change.

39 **Gov’t Code § 65941.1 (amended). Housing development project**

40 SEC. _____. Section 65941.1 of the Government Code is amended to read:

41 65941.1. (a) An applicant for a housing development project, as defined in
42 paragraph (3) of subdivision (b) of Section 65905.5, shall be deemed to have

1 submitted a preliminary application upon providing all of the following information
2 about the proposed project to the city, county, or city and county from which
3 approval for the project is being sought and upon payment of the permit processing
4 fee:

5 (1) The specific location, including parcel numbers, a legal description, and site
6 address, if applicable.

7 (2) The existing uses on the project site and identification of major physical
8 alterations to the property on which the project is to be located.

9 (3) A site plan showing the location on the property, elevations showing design,
10 color, and material, and the massing, height, and approximate square footage, of
11 each building that is to be occupied.

12 (4) The proposed land uses by number of units and square feet of residential and
13 nonresidential development using the categories in the applicable zoning ordinance.

14 (5) The proposed number of parking spaces.

15 (6) Any proposed point sources of air or water pollutants.

16 (7) Any species of special concern known to occur on the property.

17 (8) Whether a portion of the property is located within any of the following:

18 (A) A very high fire hazard severity zone, as determined by the Department of
19 Forestry and Fire Protection pursuant to Section 51178.

20 (B) Wetlands, as defined in the United States Fish and Wildlife Service Manual,
21 Part 660 FW 2 (June 21, 1993).

22 (C) A hazardous waste site that is listed pursuant to Section 65962.5 or a
23 hazardous waste site designated by the Department of Toxic Substances Control
24 pursuant to Section 25356 of the Health and Safety Code.

25 (D) A special flood hazard area subject to inundation by the 1 percent annual
26 chance flood (100-year flood) as determined by the Federal Emergency
27 Management Agency in any official maps published by the Federal Emergency
28 Management Agency.

29 (E) A delineated earthquake fault zone as determined by the State Geologist in
30 any official maps published by the State Geologist, unless the development
31 complies with applicable seismic protection building code standards adopted by the
32 California Building Standards Commission under the California Building Standards
33 Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and
34 Safety Code), and by any local building department under Chapter 12.2
35 (commencing with Section 8875) of Division 1 of Title 2.

36 (F) A stream or other resource that may be subject to a streambed alteration
37 agreement pursuant to Chapter 6 (commencing with Section 1600) of ~~Division 2~~
38 Division 2.5 of the Fish and Game Code.

39 (9) Any historic or cultural resources known to exist on the property.

40 (10) The number of proposed below market rate units and their affordability
41 levels.

42 (11) The number of bonus units and any incentives, concessions, waivers, or
43 parking reductions requested pursuant to Section 65915.

1 (12) Whether any approvals under the Subdivision Map Act, including, but not
2 limited to, a parcel map, a tentative map, or a condominium map, are being
3 requested.

4 (13) The applicant's contact information and, if the applicant does not own the
5 property, consent from the property owner to submit the application.

6 (14) For a housing development project proposed to be located within the coastal
7 zone, whether any portion of the property contains any of the following:

8 (A) Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the
9 California Code of Regulations.

10 (B) Environmentally sensitive habitat areas, as defined in Section 30240 of the
11 Public Resources Code.

12 (C) A tsunami run-up zone.

13 (D) Use of the site for public access to or along the coast.

14 (15) The number of existing residential units on the project site that will be
15 demolished and whether each existing unit is occupied or unoccupied.

16 (16) A site map showing a stream or other resource that may be subject to a
17 streambed alteration agreement pursuant to Chapter 6 (commencing with Section
18 1600) of ~~Division 2~~ Division 2.5 of the Fish and Game Code and an aerial site
19 photograph showing existing site conditions of environmental site features that
20 would be subject to regulations by a public agency, including creeks and wetlands.

21 (17) The location of any recorded public easement, such as easements for storm
22 drains, water lines, and other public rights of way.

23 (b)(1) Each local agency shall compile a checklist and application form that
24 applicants for housing development projects may use for the purpose of satisfying
25 the requirements for submittal of a preliminary application.

26 (2) The Department of Housing and Community Development shall adopt a
27 standardized form that applicants for housing development projects may use for the
28 purpose of satisfying the requirements for submittal of a preliminary application if
29 a local agency has not developed its own application form pursuant to paragraph
30 (1). Adoption of the standardized form shall not be subject to Chapter 3.5
31 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the
32 Government Code.

33 (3) A checklist or form shall not require or request any information beyond that
34 expressly identified in subdivision (a).

35 (c) After submittal of all of the information required by subdivision (a), if the
36 development proponent revises the project such that the number of residential units
37 or square footage of construction changes by 20 percent or more, exclusive of any
38 increase resulting from the receipt of a density bonus, incentive, concession, waiver,
39 or similar provision, the housing development project shall not be deemed to have
40 submitted a preliminary application that satisfies this section until the development
41 proponent resubmits the information required by subdivision (a) so that it reflects
42 the revisions. For purposes of this subdivision, "square footage of construction"

1 means the building area, as defined by the California Building Standards Code (Title
2 24 of the California Code of Regulations).

3 (d)(1) Within 180 calendar days after submitting a preliminary application with
4 all of the information required by subdivision (a) to a city, county, or city and
5 county, the development proponent shall submit an application for a development
6 project that includes all of the information required to process the development
7 application consistent with Sections 65940, 65941, and 65941.5.

8 (2) If the public agency determines that the application for the development
9 project is not complete pursuant to Section 65943, the development proponent shall
10 submit the specific information needed to complete the application within 90 days
11 of receiving the agency's written identification of the necessary information. If the
12 development proponent does not submit this information within the 90-day period,
13 then the preliminary application shall expire and have no further force or effect.

14 (3) This section shall not require an affirmative determination by a city, county,
15 or city and county regarding the completeness of a preliminary application or a
16 development application for purposes of compliance with this section.

17 (e) Notwithstanding any other law, submission of a preliminary application in
18 accordance with this section shall not preclude the listing of a tribal cultural resource
19 on a national, state, tribal, or local historic register list on or after the date that the
20 preliminary application is submitted. For purposes of Section 65589.5 or any other
21 law, the listing of a tribal cultural site on a national, state, tribal, or local historic
22 register on or after the date the preliminary application was submitted shall not be
23 deemed to be a change to the ordinances, policies, and standards adopted and in
24 effect at the time that the preliminary application was submitted.

25 (f) This section shall remain in effect only until January 1, 2030, and as of that
26 date is repealed.

27 **Comment.** Section 65941.1 amended to update cross-references to former Division 2 of the Fish
28 and Game Code. These are nonsubstantive changes.

29 **Pub. Res. Code § 5093.542 (amended). McCloud River**

30 SEC. _____. Section 5093.542 of the Public Resources Code is amended to read:

31 5093.542. The Legislature finds and declares that the McCloud River possesses
32 extraordinary resources in that it supports one of the finest wild trout fisheries in the
33 state. Portions of the river have been appropriately designated by the Fish and Game
34 Commission, pursuant to ~~Chapter 7.2 (commencing with Section 1725) of Division~~
35 2 Article 1.4 (commencing with Section 7270) Chapter 2 of Part 2 of Division 6 of
36 the Fish and Game Code, as wild trout waters, with restrictions on the taking, or
37 method of taking, of fish. The Legislature has determined, based upon a review of
38 comprehensive technical data evaluating resources and potential beneficial uses,
39 that potential beneficial uses must be balanced, in order to achieve protection of the
40 unique fishery resources of the McCloud River, as follows:

41 (a) The continued management of river resources in their existing natural
42 condition represents the best way to protect the unique fishery of the McCloud

1 River. The Legislature further finds and declares that maintaining the McCloud
2 River in its free-flowing condition to protect its fishery is the highest and most
3 beneficial use of the waters of the McCloud River within the segments designated
4 in subdivision (b), and is a reasonable use of water within the meaning of Section 2
5 of Article X of the California Constitution.

6 (b) No dam, reservoir, diversion, or other water impoundment facility shall be
7 constructed on the McCloud River from Algoma to the confluence with Huckleberry
8 Creek, and 0.25 mile downstream from the McCloud Dam to the McCloud River
9 Bridge; nor shall any such facility be constructed on Squaw Valley Creek from the
10 confluence with Cabin Creek to the confluence with the McCloud River.

11 (c) Except for participation by the Department of Water Resources in studies
12 involving the technical and economic feasibility of enlargement of Shasta Dam, no
13 department or agency of the state shall assist or cooperate with, whether by loan,
14 grant, license, or otherwise, any agency of the federal, state, or local government in
15 the planning or construction of any dam, reservoir, diversion, or other water
16 impoundment facility that could have an adverse effect on the free-flowing
17 condition of the McCloud River, or on its wild trout fishery.

18 (d) All state agencies exercising powers under any other provision of law with
19 respect to the protection and restoration of fishery resources shall continue to
20 exercise those powers in a manner to protect and enhance the fishery of those
21 segments designated in subdivision (b). In carrying out this subdivision, any
22 exercise of powers shall be consistent with Section 5093.58.

23 (e) Nothing in this section shall prejudice, alter, affect in any way, or interfere
24 with the construction, maintenance, repair, or operation by the Pacific Gas and
25 Electric Company of the existing McCloud-Pit development (FERC 2106) under its
26 license, or prevent Pacific Gas and Electric from constructing a hydroelectric
27 generating facility by retrofitting the existing McCloud Dam if the operation of the
28 facility does not alter the existing flow regime below the dam.

29 **Comment.** Section 5093.542 is amended to update a cross-reference to former Chapter 7.2
30 (commencing with Section 1725) of Division 2 of the Fish and Game Code. This is a nonsubstantive
31 change.

32 **Pub. Res. Code § 5096.124 (amended). Expenditures from State, Urban, and Coastal Park**
33 **Fund**

34 SEC. _____. Section 5096.124 of the Public Resources Code is amended to read:
35 5096.124. Except as otherwise provided in this section or elsewhere in this
36 chapter, all money deposited in the State, Urban, and Coastal Park Fund shall be
37 available for appropriation as set forth in Section 5096.119 for the purposes set forth
38 below in amounts not to exceed the following:

39 (a) For grants to counties, cities, and districts for the acquisition, development,
40 or restoration of real property for park, beach, recreational, and historical
41 resources preservation purposes, including state administrative costs

42 \$85,000,000

1 (b) For acquisition, development, or restoration of real property for the state
2 park system in accordance with the following schedule \$34,000,0000

3 Schedule:

4 (1) Thirteen million dollars (\$13,000,000) for acquisition and costs for planning
5 and interpretation.

6 (2) Twenty-one million dollars (\$21,000,000) for development of real property,
7 historical resources, and costs for planning and interpretation.

8 (c) For acquisition of coastal recreational resources, consisting of real property
9 for the state park system and costs of planning and interpretation \$110,000,000

10 (d) For the acquisition or development of real property for wildlife
11 management in accordance with the Wildlife Conservation Law of 1947
12 (~~Chapter 4 (commencing with Section 1300), Division 2, Chapter 1 (commencing~~
13 ~~with Section 1300) of Division 2.5 of the Fish and Game Code~~), including costs
14 for planning and interpretation in accordance with the following schedule

15 \$15,000,000

16 Schedule:

17 (1) Ten million dollars (\$10,000,000) for coastal projects.

18 (2) Five million dollars (\$5,000,000) for all projects, including coastal projects.

19 (e) For recreational facilities of the State Water Facilities, as defined in
20 paragraphs (1) to (4), inclusive, of subdivision (d) of Section 12934 of the Water
21 Code, for allocation in accordance with the following schedule \$26,000,000

22 Schedule:

23 (1) Fifteen million dollars (\$15,000,000) to the Department of Parks and
24 Recreation, of which up to six million dollars (\$6,000,000) may be used for
25 recreational facilities at Lake Elsinore, whether or not such facilities are a part of
26 the State Water Facilities.

27 (2) Five million dollars (\$5,000,000) to the Department of Water Resources.

28 (3) Six million dollars (\$6,000,000) to the Department of Boating and
29 Waterways.

30 It is the intent of the Legislature that funds expended pursuant to subdivisions (a)
31 and (b) of this section may be used for the acquisition of parks, beaches, open-space
32 lands, and historical resources, and for development rights and scenic easements in
33 connection with such lands and resources, and, in the case of grants to counties,
34 cities, and districts, also for the development or restoration of such lands or
35 resources and that funds expended pursuant to subdivision (c) of this section be in
36 accordance with the following criteria and priorities:

37 (1) The first priority for the acquisition of coastal recreational resources is as
38 follows:

39 (i) Land and water areas best suited to serve the recreational needs of urban
40 populations.

41 (ii) Land and water areas of significant environmental importance, such as habitat
42 protection.

1 (iii) Land and water areas in either of the above categories shall be given the
2 highest priority when incompatible uses threaten to destroy or substantially diminish
3 the resource value of such area.

4 (2) The second priority for the acquisition of coastal recreational resources is as
5 follows:

6 (i) Land for physical and visual access to the coastline where public access
7 opportunities are inadequate or could be impeded by incompatible uses.

8 (ii) Remaining areas of high recreational value.

9 (iii) Areas proposed as a coastal reserve or preserve, including areas that are or
10 include restricted natural communities, such as ecological areas that are scarce,
11 involving only a limited area; rare and endangered wildlife species habitats; rare and
12 endangered plant species ranges; specialized wildlife habitats; outstanding
13 representative natural communities; sites with outstanding educational value; fragile
14 or environmentally sensitive resources; and wilderness or primitive areas. Areas
15 meeting more than one of these criteria may be considered as being especially
16 important.

17 (iv) Highly scenic areas that are or include landscape preservation projects
18 designated by the Department of Parks and Recreation; open areas identified as
19 being of particular value in providing visual contrast to urbanization, in preserving
20 natural landforms and significant vegetation, in providing attractive transitions
21 between natural and urbanized areas, or as scenic open space; and scenic areas and
22 historical districts designated by cities and counties. All real property acquired
23 pursuant to this chapter shall be acquired in compliance with Chapter 16
24 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code,
25 and procedures sufficient to ensure compliance shall be prescribed by the
26 Department of Parks and Recreation.

27 It is the further intent of the Legislature that funds granted pursuant to subdivision
28 (a) of this section may be used by counties, cities, and districts for the acquisition,
29 development, and restoration of public indoor recreational facilities, including
30 enclosed swimming pools, gymnasiums, recreation centers, historical buildings, and
31 museums. For development, the land must be owned by, or subject to a long-term
32 lease to, the applicant county, city, or district. The lease shall be for a period of not
33 less than 25 years from the date an application for a grant is made and shall provide
34 that it may not be revoked at will during that period.

35 **Comment.** Subdivision (d) of Section 5096.124 is amended to update a cross-reference to former
36 Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code. This is a
37 nonsubstantive change.

38 **Pub. Res. Code § 5096.129 (amended). Origination of projects**

39 SEC. _____. Section 5096.129 of the Public Resources Code is amended to read:

40 5096.129. Any project involving state funds only, pursuant to subdivisions (b),
41 (c), and (e) of Section 5096.124, shall originate by resolution of the Legislature or
42 of the State Park and Recreation Commission directing a study of the proposed

1 project or by action of the Secretary of the Resources Agency, either on his own
2 initiative, or, with respect to projects to be funded pursuant to subdivision (e) of
3 Section 5096.124, at the request of the Director of Water Resources, directing a
4 study of the proposed project.

5 The costs of these project studies shall be borne by the State, Urban, and Coastal
6 Park Fund.

7 Allocations for the purposes of subdivision (d) of Section 5096.124 that are
8 authorized by the Legislature and approved by the Governor shall be made from the
9 State, Urban, and Coastal Park Fund and shall be expended in accordance with the
10 provisions of the Wildlife Conservation Law of 1947 (~~Chapter 4 (commencing with~~
11 ~~Section 1300), Division 2, Chapter 1 (commencing with Section 1300) of Division~~
12 2.5 of the Fish and Game Code).

13 **Comment.** Section 5096.129 is amended to update a cross-reference to former Chapter 4
14 (commencing with Section 1300) of Division 2 of the Fish and Game Code. This is a nonsubstantive
15 change.

16 **Pub. Res. Code § 5096.231 (amended). Parklands Fund of 1984**

17 SEC. _____. Section 5096.231 of the Public Resources Code is amended to read:

18 5096.231. All money deposited in the Parklands Fund of 1984 shall be available
19 for appropriation in the manner set forth in Section 5096.260 for the purposes set
20 forth below in amounts not to exceed the following:

21 (a) For grants to counties, cities, and districts for the acquisition, development,
22 rehabilitation, or restoration of real property for park, beach, recreational, or
23 historical resources preservation purposes, including an amount not to exceed
24 \$1,500,000 for state administrative costs directly incurred in connection therewith,
25 and further including the amount of \$1,500,000 for grants to nonprofit organizations
26 as provided in category (5), in accordance with the following schedule:

27 \$150,000,000

28 Schedule:

29 (1) Seventy-eight million five hundred thousand dollars (\$78,500,000) for
30 the development, rehabilitation, or restoration of real property for park, beach, and
31 recreational purposes; provided, however, that each county shall be entitled to
32 receive not less than two hundred thousand dollars (\$200,000).

33 (2) Fifteen million dollars (\$15,000,000) for the development,
34 rehabilitation, or restoration of real property consisting of locally and regionally
35 operated lakes, reservoirs and waterways.

36 (3) Forty-five million dollars (\$45,000,000) for expenditure by the
37 Department of Parks and Recreation for the purposes of the Roberti-Z'berg Urban
38 Open-spaces and Recreation Program Act (commencing with Section 5620 of the
39 Public Resources Code); provided however, that notwithstanding Section 5627,
40 funds made available pursuant to this category may be expended only for capital
41 outlay purposes.

1 (4) Ten million dollars (\$10,000,000) for acquisition, development,
2 rehabilitation, or restoration of historical resources and for historical resources
3 preservation projects and costs of planning and interpretation.

4 (5) One million five hundred thousand dollars (\$1,500,000) for the acquisi-
5 tion, development, rehabilitation, or restoration of real property for park and
6 recreational purposes by nonprofit organizations.

7 (b) For acquisition, development, rehabilitation, or restoration of real property
8 for the state park system in accordance with the following schedule: \$145,000,000

9 Schedule:

10 (1) Forty-five million dollars (\$45,000,000) for acquisition of real property
11 inside the boundaries of existing projects or units or as additions to existing projects
12 or units; provided, however, that not more than ten million dollars (\$10,000,000)
13 shall be expended on any one project or unit of the state park system.

14 (2) Forty million five hundred thousand dollars (\$40,500,000) for develop-
15 ment, rehabilitation, or restoration of coastal resources, other than coastal resources
16 in or on San Francisco Bay, in accordance with the following schedule:

17 Schedule:

18 (A) Twenty-eight million five hundred thousand dollars (\$28,500,000)
19 within San Diego County through Santa Barbara County.

20 (B) Seven million five hundred thousand dollars (\$7,500,000) within San
21 Luis Obispo County through the City and County of San Francisco.

22 (C) Four million five hundred thousand dollars (\$4,500,000) within Marin
23 County through Del Norte County.

24 (3) Fourteen million five hundred thousand dollars (\$14,500,000) for devel-
25 opment, rehabilitation, or restoration of resources in or on San Francisco Bay.

26 (4) Fifteen million dollars (\$15,000,000) for development, rehabilitation, or
27 restoration of inland resources.

28 (5) Fifteen million dollars (\$15,000,000) for development, rehabilitation, or
29 restoration at lakes, reservoirs, and waterways, including state water facilities, as
30 defined in paragraphs (1) to (4), inclusive, of subdivision (d) of Section 12934 of
31 the Water Code.

32 (6) Five million dollars (\$5,000,000) for the repair of storm damage and
33 construction to prevent future storm damage.

34 (7) Three million dollars (\$3,000,000) for planning, development,
35 rehabilitation, restoration, or interpretive facilities in support of volunteer commu-
36 nity action projects for the state park system.

37 (8) Five million dollars (\$5,000,000) for the increased stewardship of the
38 public investment in the protection of the most critical natural and scenic features
39 of the existing state park system.

40 (9) Two million dollars (\$2,000,000) for development, rehabilitation, or
41 restoration of real property for the state park system within the Sacramento-San
42 Joaquin Delta.

1 (c) For the acquisition, development, or restoration of real property for wildlife
2 management in accordance with the provisions of the Wildlife Conservation Law
3 of 1947 (~~Chapter 4~~ Chapter 1 (commencing with Section 1300) of ~~Division 2~~
4 Division 2.5 of the Fish and Game Code), including costs for planning and
5 interpretation in accordance with the following schedule: \$25,000,000

6 Schedule:

7 (1) Fifteen million dollars (\$15,000,000) for the acquisition, development,
8 rehabilitation, or restoration of real property for wildlife management.

9 (2) Ten million dollars (\$10,000,000) for the acquisition, rehabilitation, or
10 restoration of habitat for any bird, mammal, fish, amphibia or reptile declared rare
11 or endangered pursuant to the Federal Endangered Species Act of 1973 (Title 16,
12 United States Code Sec. 1531 et seq.) and subsequent amendments or designated by
13 state statute as fully protected.

14 (d)(1) This subdivision shall become operative only if Senate Bill 512 of the
15 1983-84 Regular Session of the Legislature is approved by the voters, in which case,
16 subdivision (c) of this section shall not be operative.

17 (2) Ten million dollars (\$10,000,000) to the Santa Monica Mountains
18 Conservancy for the purposes set forth in Division 23 (commencing with Section
19 33000), and for administrative costs directly incurred in connection therewith.

20 (3) Five million dollars (\$5,000,000) for expenditure by the Wildlife Con-
21 servation Board pursuant to the Wildlife Conservation Law of 1947 (~~Chapter 4~~
22 Chapter 1 (commencing with Section 1300) of ~~Division 2~~ Division 2.5 of the Fish
23 and Game ~~Code~~ Code) in accordance with the following schedule:

24 Schedule:

25 (A) Three million dollars (\$3,000,000) for development, rehabilitation, or
26 restoration of real property for coastal fishing piers.

27 (B) Two million dollars (\$2,000,000) for acquisition, development,
28 rehabilitation, or restoration of real property for wildlife-oriented public use proj-
29 ects.

30 (4) Ten million dollars (\$10,000,000) for development, rehabilitation, or
31 restoration of real property for the state park system in accordance with the
32 following schedule:

33 Schedule:

34 (A) Five million dollars (\$5,000,000) in augmentation of subdivision (b) for
35 development and restoration of historical resources and for historical resources
36 preservation projects and costs of planning and interpretation.

37 (B) Three million dollars (\$3,000,000) in augmentation of category (4) of
38 subdivision (b).

39 (C) Two million dollars (\$2,000,000) in augmentation of category (2) of
40 subdivision (b).

41 **Comment.** Subdivisions (c) and (d) of Section 5096.231 are amended to update cross-references
42 to former Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code.
43 These are nonsubstantive changes.

1 **Pub. Res. Code § 5096.350 (amended). Expenditure of funds by Wildlife Conservation**
2 **Board**

3 SEC. _____. Section 5096.350 of the Public Resources Code is amended to read:

4 5096.350. (a) Funds appropriated pursuant to subdivision (m) of Section
5 5096.310 shall be available for expenditure by the Wildlife Conservation Board for
6 the acquisition, development, rehabilitation, restoration, and protection of real
7 property benefiting fish and wildlife, for the acquisition, restoration, or protection
8 of habitat that promotes recovery of threatened, endangered, or fully protected
9 species, maintains the genetic integrity of wildlife populations, and serves as
10 corridors linking otherwise separate habitat to prevent habitat fragmentation, and
11 for grants and related state administrative costs pursuant to the Wildlife
12 Conservation Law of 1947 (~~Chapter 4~~ Chapter 1 (commencing with Section 1300)
13 of ~~Division 2~~ Division 2.5 of the Fish and Game Code), for the following purposes:

14 (1) Ten million dollars (\$10,000,000) for the acquisition or restoration of wetland
15 habitat, as follows:

16 (A) Five million dollars (\$5,000,000) for the acquisition, preservation,
17 restoration, and establishment, or any combination thereof, of habitat for waterfowl
18 or other wetlands-associated wildlife, as provided for in the Central Valley Habitat
19 Joint Venture Component of the North American Waterfowl Management Plan and
20 the Inland Wetlands Conservation Program, notwithstanding Section 711 of the Fish
21 and Game Code. Preference shall be given to projects involving the acquisition of
22 perpetual conservation easements; habitat development projects on lands which will
23 be managed primarily as waterfowl habitat in perpetuity; waterfowl habitat
24 development projects on agricultural lands; the reduction of fishery impacts
25 resulting from supply diversions that have a direct benefit to wetlands and waterfowl
26 habitat; or programs to establish permanent buffer areas, including, but not limited
27 to, agricultural lands that are necessary to preserve the acreage and habitat values of
28 existing wetlands.

29 (B) Five million dollars (\$5,000,000) for the acquisition, development,
30 restoration, and protection of wetlands and adjacent lands, or any combination
31 thereof, located outside the Sacramento-San Joaquin Valley.

32 (2) Ten million dollars (\$10,000,000) for the development, acquisition from a
33 willing seller, or restoration of riparian habitat and watershed conservation
34 programs.

35 (3) Forty-five million dollars (\$45,000,000), upon appropriation by the
36 Legislature, for the restoration, or acquisition from a willing seller, of habitat for
37 threatened and endangered species or for the purpose of promoting the recovery of
38 those species. Five million dollars (\$5,000,000) of that amount shall be for the
39 acquisition of property along the central coast containing coastal terrace prairie,
40 federally listed spineflower, state listed San Francisco popcorn flower, and
41 candidates for federal listing including ohlone tiger beetle and opler's longhorned
42 moth. No funds may be expended pursuant to this paragraph for the acquisition of

1 real property or other actions taken pursuant to Chapter 10 (commencing with
2 Section 2800) of Division 3 of the Fish and Game Code.

3 (4) Thirteen million dollars (\$13,000,000) for the acquisition from a willing seller,
4 or restoration of forest lands, including, but not limited to, ancient redwoods and
5 oak woodlands. Not more than five million dollars (\$5,000,000) of this amount shall
6 be expended on the federal Legacy Forest Program (16 U.S.C. Sec. 2103) to meet
7 federal matching requirements and not less than five million dollars (\$5,000,000) of
8 this amount shall be allocated for the preservation of oak woodlands. Not more than
9 five million dollars (\$5,000,000) of this amount shall be expended on the federal
10 Legacy Forest Program (16 U.S.C. Sec. 2103) to meet federal matching
11 requirements and not less than five million dollars (\$5,000,000) of this amount shall
12 be allocated for the preservation of oak woodlands.

13 (5) Eighty-two million five hundred thousand dollars (\$82,500,000), upon
14 appropriation by the Legislature, to match funds contributed by federal or local
15 agencies or nonprofit organizations for the acquisition, restoration, or protection of
16 habitat or habitat corridors that promote the recovery of threatened, endangered, or
17 fully protected species. Projects funded pursuant to this paragraph may include
18 restoration projects authorized pursuant to Public Law 105-372, the Salton Sea
19 Reclamation Act of 1998. The board shall require matching contributions of funds,
20 real property, or other resources from other public agencies, private parties, or
21 nonprofit organizations, at a level designed to obtain the maximum conservation
22 benefits to wildlife and wildlife habitat. No funds may be expended pursuant to this
23 paragraph for the acquisition of real property or other actions taken pursuant to
24 Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game
25 Code.

26 (6) One hundred million dollars (\$100,000,000), upon appropriation by the
27 Legislature, for the purpose of funding the acquisition of real property subject to a
28 natural community conservation plan adopted pursuant to Chapter 10 (commencing
29 with Section 2800) of Division 3 of the Fish and Game Code, if the acquisition of
30 the real property is conducted in conjunction with a natural community conservation
31 plan approved by the Department of Fish and Game prior to January 1, 1999, or if
32 the acquisition is approved by statute.

33 (7) Five million dollars (\$5,000,000) for environmental restoration projects for
34 the following purposes approved pursuant to the Salton Sea Restoration Project
35 authorized by Public Law 105-372, the Salton Sea Reclamation Act of 1998, and
36 identified in the Final Environmental Impact Statement of the Salton Sea
37 Restoration Project:

38 (A) Reduce and stabilize the overall salinity of the Salton Sea.

39 (B) Stabilize the surface elevation of the Salton Sea.

40 (C) Reclaim, in the long term, healthy fish and wildlife resources and their
41 habitats.

42 (D) Enhance the potential for recreational uses of the Salton Sea.

1 (b) Not more than 5 percent of the funds authorized for expenditure by this section
2 may be used for public access and wildlife-oriented public use projects.

3 **Comment.** Subdivision (a) of Section 5096.350 is amended to update a cross-reference to former
4 Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code. Paragraphs
5 (a)(3), (a)(5), and (a)(6) are amended to correct a technical error. These are nonsubstantive changes.

6 **Pub. Res. Code § 5096.516 (amended). Conservation lands**

7 SEC. _____. Section 5096.516 of the Public Resources Code is amended to read:

8 5096.516. (a) Except as provided in subdivision (c), conservation lands may not
9 be sold to another owner, or have possession and control transferred to another
10 agency, unless all of the following occur:

11 (1) The selling or transferring agency prepares and makes available to the public
12 a detailed report that identifies why the conservation lands no longer serve a needed
13 conservation purpose.

14 (2) The selling or transferring agency holds a duly noticed public hearing to accept
15 public comment on the proposed sale or transfer of conservation lands.

16 (3) After compliance with paragraphs (1) and (2), the selling or transferring
17 agency finds, based on substantial evidence, that the property no longer serves a
18 needed conservation purpose.

19 (4) The sale or transfer of the land is authorized or approved as part of the annual
20 Budget Act or pursuant to specific legislation authorizing the sale or transfer.

21 (b) Proceeds from the sale or transfer of conservation lands shall be used solely
22 for one or more of the following purposes:

23 (1) The acquisition of conservation lands to achieve the same or equivalent
24 objectives as the original acquisition of the property that was sold or transferred.

25 (2) To further the purposes of Division 21 (commencing with Section 31000).

26 (3) The acquisition of wildlife habitat to further the purposes of the Wildlife
27 Conservation Law of 1947 (~~Chapter 4~~ Chapter 1 (commencing with Section 1300)
28 of ~~Division 2~~ Division 2.5 of the Fish and Game Code).

29 (4) The acquisition of wildlife habitat to further the purposes of Article 2
30 (commencing with Section ~~1410~~ 1400) of ~~Chapter 4.3~~ of ~~Division 2~~ Chapter 3 of
31 Division 2.5 of the Fish and Game Code.

32 (c) This section does not apply to any of the following:

33 (1) The sale or transfer of conservation lands solely for the purpose of boundary
34 adjustments or consolidation of property ownership.

35 (2) The sale or transfer of lands subject to a conservation easement to keep lands
36 in agricultural production.

37 (3) The sale or transfer to other public agencies or nonprofit organizations to
38 improve conservation management, public access, historic preservation, or to
39 protect or enhance the biological value of conservation lands.

40 (4) The sale or transfer of conservation lands by the State Coastal Conservancy
41 when the sale or transfer of interests in land is provided for, consistent with Division
42 21 (commencing with Section 31000), at the time of acquisition of real property.

1 (5) The exchange of conservation lands for land of greater biological value as
2 wildlife habitat.

3 (6) The sale or transfer of conservation lands that have a fair market value of less
4 than one million dollars (\$1,000,000).

5 (d) The requirements imposed by this section are in addition to any other
6 requirements imposed by law or regulation.

7 **Comment.** Subdivision (b) of Section 5096.516 is amended to update cross-references to former
8 Chapter 4 (commencing with Section 1300) and Chapter 4.3 (commencing with Section 1400) of
9 Division 2 of the Fish and Game Code. These are nonsubstantive changes.

10 **Pub. Res. Code § 5096.530 (amended). Acquisition of habitat**

11 SEC. _____. Section 5096.530 of the Public Resources Code is amended to read:

12 5096.530. (a) Funds appropriated pursuant to subdivision (m) of Section 5096.310
13 shall be available for expenditure by the Wildlife Conservation Board for the
14 acquisition, development, rehabilitation, restoration, and protection of real property
15 benefiting fish and wildlife, for the acquisition, restoration, or protection of habitat
16 that promotes recovery of threatened, endangered, or fully protected species,
17 maintains the genetic integrity of wildlife populations, and serves as corridors
18 linking otherwise separate habitat to prevent habitat fragmentation, and for grants
19 and related state administrative costs pursuant to the Wildlife Conservation Law of
20 1947 (~~Chapter 4 Chapter 1~~ (commencing with Section 1300) of ~~Division 2 Division~~
21 2.5 of the Fish and Game Code), for the following purposes:

22 (1) Ten million dollars (\$10,000,000) for the acquisition or restoration of wetland
23 habitat, as follows:

24 (A) Five million dollars (\$5,000,000) for the acquisition, preservation, restoration,
25 and establishment, or any combination thereof, of habitat for waterfowl or other
26 wetlands-associated wildlife, as provided for in the Central Valley Habitat Joint
27 Venture Component of the North American Waterfowl Management Plan and the
28 Inland Wetlands Conservation Program, notwithstanding Section 711 of the Fish
29 and Game Code. Preference shall be given to projects involving the acquisition of
30 perpetual conservation easements; habitat development projects on lands which will
31 be managed primarily as waterfowl habitat in perpetuity; waterfowl habitat
32 development projects on agricultural lands; the reduction of fishery impacts
33 resulting from supply diversions that have a direct benefit to wetlands and waterfowl
34 habitat; or programs to establish permanent buffer areas, including, but not limited
35 to, agricultural lands that are necessary to preserve the acreage and habitat values of
36 existing wetlands.

37 (B) Five million dollars (\$5,000,000) for the acquisition, development,
38 restoration, and protection of wetlands and adjacent lands, or any combination
39 thereof, located outside the Sacramento-San Joaquin Valley.

40 (2) Ten million dollars (\$10,000,000) for the development, acquisition from a
41 willing seller, or restoration of riparian habitat and watershed conservation
42 programs.

1 (3) Forty-five million dollars (\$45,000,000), upon appropriation by the
2 Legislature, for the restoration, or acquisition from a willing seller, of habitat for
3 threatened and endangered species or for the purpose of promoting the recovery of
4 those species. Five million dollars (\$5,000,000) of that amount shall be for the
5 acquisition of property along the central coast containing coastal terrace prairie,
6 federally listed spineflower, state listed San Francisco popcorn flower, and
7 candidates for federal listing including ohlone tiger beetle and opler's longhorned
8 moth. No funds may be expended pursuant to this paragraph for the acquisition of
9 real property or other actions taken pursuant to Chapter 10 (commencing with
10 Section 2800) of the Fish and Game Code.

11 (4) Thirteen million dollars (\$13,000,000) for the acquisition from a willing seller,
12 or restoration of forest lands, including, but not limited to, ancient redwoods and
13 oak woodlands. Not more than five million dollars (\$5,000,000) of this amount shall
14 be expended on the federal Legacy Forest Program (16 U.S.C. Sec. 2103) to meet
15 federal matching requirements and not less than five million dollars (\$5,000,000) of
16 this amount shall be allocated for the preservation of oak woodlands. Not more than
17 five million dollars (\$5,000,000) of this amount shall be expended on the federal
18 Legacy Forest Program (16 U.S.C. Sec. 2103) to meet federal matching
19 requirements and not less than five million dollars (\$5,000,000) of this amount shall
20 be allocated for the preservation of oak woodlands.

21 (5) Eighty-two million five hundred thousand dollars (\$82,500,000), upon
22 appropriation by the Legislature, to match funds contributed by federal or local
23 agencies or nonprofit organizations for the acquisition, restoration, or protection of
24 habitat or habitat corridors that promote the recovery of threatened, endangered, or
25 fully protected species. Projects funded pursuant to this paragraph may include
26 restoration projects authorized pursuant to Public Law 105-372, the Salton Sea
27 Reclamation Act of 1998. The board shall require matching contributions of funds,
28 real property, or other resources from other public agencies, private parties, or
29 nonprofit organizations, at a level designed to obtain the maximum conservation
30 benefits to wildlife and wildlife habitat. No funds may be expended pursuant to this
31 paragraph for the acquisition of real property or other actions taken pursuant to
32 Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game
33 Code.

34 (6) One hundred million dollars (\$100,000,000), upon appropriation by the
35 Legislature, for the purpose of funding the acquisition of real property subject to a
36 natural community conservation plan adopted pursuant to Chapter 10 (commencing
37 with Section 2800) of Division 3 of the Fish and Game Code, if the acquisition of
38 the real property is conducted in conjunction with a natural community conservation
39 plan approved by the Department of Fish and Game prior to January 1, 1999, or if
40 the acquisition is approved by statute.

41 (7) Five million dollars (\$5,000,000) for environmental restoration projects for
42 the following purposes approved pursuant to the Salton Sea Restoration Project
43 authorized by Public Law 105-372, the Salton Sea Reclamation Act of 1998, and

1 identified in the Final Environmental Impact Statement of the Salton Sea
2 Restoration Project:

3 (A) Reduce and stabilize the overall salinity of the Salton Sea.

4 (B) Stabilize the surface elevation of the Salton Sea.

5 (C) Reclaim, in the long term, healthy fish and wildlife resources and their
6 habitats.

7 (D) Enhance the potential for recreational uses of the Salton Sea.

8 (b) Not more than 5 percent of the funds authorized for expenditure by this section
9 may be used for public access and wildlife-oriented public use projects.

10 **Comment.** Subdivision (a) of Section 5096.530 is amended to update cross-references to former
11 Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code. Paragraphs
12 (a)(5) and (6) are amended to correct technical errors. These are nonsubstantive changes.

13 **Pub. Res. Code §6890 (amended). Prospecting permits**

14 SEC. _____. Section 6890 of the Public Resources Code is amended to read:

15 6890. (a) Prospecting permits and leases for the extraction and removal of
16 minerals, other than oil and gas or other hydrocarbon substances, from lands,
17 including tide and submerged lands belonging to the state, may be issued as
18 provided in this article and in this chapter insofar as not in conflict with this article.
19 The commission shall not issue any permit or lease under this section until it has
20 been submitted to the Attorney General and has been approved by the Attorney
21 General as to compliance with the applicable law and rules and regulations of the
22 commission. No lease or permit shall be issued which results in any net adverse
23 impact to wetlands or riparian habitat.

24 (b) Where lands, other than tide and submerged lands, belonging to the state have
25 been dedicated to a public use, the commission may issue permits and leases for the
26 exploration, extraction, and removal of minerals, other than oil and gas or other
27 hydrocarbon substances and geothermal resources, in accordance with this article.
28 Where the lands have been acquired for the use of a specific state agency, the state
29 agency, prior to issuance, shall approve the work to be performed under the
30 authority of the permit or lease and the state agency shall specify terms and
31 conditions required to ensure that the work shall be performed in a manner which is
32 not inconsistent with the purposes for which the land is owned or operated.

33 (c) If the property is a wildlife management area acquired pursuant to Section
34 1525 of the Fish and Game Code, the commission shall not issue any permit or lease
35 under this section unless the Department of Fish and Game determines, and reports
36 in writing to the commission, that the proposed activity will not cause a net loss of
37 wildlife habitat value or acreage in that area because privately owned land of greater
38 total wildlife habitat value and acreage, which has habitat values similar in type to
39 the area to be permitted or leased, will be acquired and dedicated to the state to
40 replace the land of that wildlife management area. The replacement land shall be
41 located within 10 miles of the wildlife management area where the lease or permit
42 is to be issued.

1 (d) The commission shall not issue a permit or lease under this section for any
2 land under the jurisdiction of the Department of Parks and Recreation, for any
3 refuge or other protected area, as described in Division 7 (commencing with Section
4 10500) of the Fish and Game Code, or for any ecological reserve, as described in
5 Article 4 (commencing with Section 1580) of Chapter 5 of ~~Division 2~~ Division 2.5
6 of the Fish and Game Code.

7 (e) Notwithstanding Section 6217, as of June 30 of each year, a sum equal to 50
8 percent of the revenue received by the state for the fiscal year ending on June 30
9 pursuant to permits and leases for the development of minerals, other than oil, gas,
10 or other hydrocarbon substances and geothermal resources, on lands which have
11 been dedicated to a public use and are administered by a state agency other than the
12 commission shall be available for appropriation by the Legislature for the support
13 of, and apportionment and transfer by the Controller to, that state agency.

14 (f) If the state agency receives a majority of its funding from a special fund
15 established for the general support of the agency, the revenue made available by
16 subdivision (e) shall be deposited in that fund and shall be available, when
17 appropriated, for the general purposes of the agency.

18 (g) Any person issued a permit or lease under subdivision (a) shall comply with
19 all existing federal, state, and local government laws.

20 **Comment.** Subdivision (d) of Section 6890 is amended to update a cross-reference to former
21 Division 2 of the Fish and Game Code. This is a nonsubstantive change.

22 **Pub. Res. Code § 5096.650 (amended). Expenditures**

23 SEC. _____. Section 5096.650 of the Public Resources Code is amended to read:
24 5096.650. The one billion two hundred seventy-five million dollars
25 (\$1,275,000,000) allocated pursuant to subdivision (c) of Section 5096.610 shall be
26 available for the acquisition and development of land, air, and water resources in
27 accordance with the following schedule:

28 (a) Notwithstanding Section 13340 of the Government Code, the sum of three
29 hundred million dollars (\$300,000,000) is continuously appropriated to the Wildlife
30 Conservation Board for the acquisition, development, rehabilitation, restoration,
31 and protection of habitat that promotes the recovery of threatened and endangered
32 species, that provides corridors linking separate habitat areas to prevent habitat
33 fragmentation, and that protects significant natural landscapes and ecosystems such
34 as old growth redwoods and oak woodlands and other significant habitat areas; and
35 for grants and related state administrative costs pursuant to the Wildlife
36 Conservation Law of 1947 (~~Chapter 4~~ Chapter 1 (commencing with Section 1300)
37 of ~~Division 2~~ Division 2.5 of the Fish and Game Code). Funds scheduled in this
38 subdivision may be used to prepare management plans for properties acquired in fee
39 by the Wildlife Conservation Board.

40 (b) The sum of four hundred forty-five million dollars (\$445,000,000) to the
41 conservancies in accordance with the particular provisions of the statute creating
42 each conservancy for the acquisition, development, rehabilitation, restoration, and

1 protection of land and water resources; for grants and state administrative costs; and
2 in accordance with the following schedule:

- 3 (1) To the State Coastal Conservancy \$200,000,000
- 4 (2) To the California Tahoe Conservancy \$ 40,000,000
- 5 (3) To the Santa Monica Mountains Conservancy \$ 40,000,000
- 6 (4) To the Coachella Valley Mountains Conservancy \$ 20,000,000
- 7 (5) To the San Joaquin River Conservancy \$ 25,000,000
- 8 (6) To the San Gabriel and Lower Los Angeles Rivers
9 and Mountains Conservancy \$ 40,000,000
- 10 (7) To the Baldwin Hills Conservancy \$ 40,000,000
- 11 (8) To the San Francisco Bay Area Conservancy
12 Program \$ 40,000,000

13 (c) The sum of three hundred seventy-five million dollars (\$375,000,000) shall be
14 available for grants to public agencies and nonprofit organizations for acquisition,
15 development, restoration, and associated planning, permitting, and administrative
16 costs for the protection and restoration of water resources in accordance with the
17 following schedule:

18 (1) The sum of seventy-five million dollars (\$75,000,000) to the secretary for the
19 acquisition and development of river parkways and for protecting urban streams.
20 The secretary shall make funds available in accordance with Sections 7048 and
21 78682.2 of the Water Code, and pursuant to any other applicable statutory
22 authorization. Not less than five million dollars (\$5,000,000) shall be available for
23 grants for the urban streams program, pursuant to Section 7048 of the Water Code.

24 (2) The sum of three hundred million dollars (\$300,000,000) shall be available for
25 the purposes of clean beaches, watershed protection, and water quality projects to
26 protect beaches, coastal waters, rivers, lakes, and streams from contaminants,
27 pollution, and other environmental threats.

28 (d)(1) The sum of fifty million dollars (\$50,000,000) to the State Air Resources
29 Board for grants to air districts pursuant to Chapter 9 (commencing with Section
30 44275) of Part 5 of Division 26 of the Health and Safety Code for projects that
31 reduce air pollution that affects air quality in state and local park and recreation
32 areas. Eligible projects shall meet the requirements of Section 16727 of the
33 Government Code and shall be consistent with Section 43023.5 of the Health and
34 Safety Code, if Assembly Bill 1390 of the 2001–02 Regular Session of the
35 Legislature is enacted on or before January 1, 2003. Each air district shall be eligible
36 for grants of not less than two hundred thousand dollars (\$200,000). Not more than
37 5 percent of the funds allocated to an air district may be used to cover the costs
38 associated with implementing the grant program.

39 (2) Allocations of funds pursuant to this subdivision to the Lower-Emission
40 School Bus Program shall be prioritized to retrofit or replace the most polluting
41 schoolbuses in small air districts first and then to medium air districts as defined by
42 the State Air Resources Board. Each allocation for this purpose shall provide enough
43 funding for at least one project to be implemented pursuant to the Lower-Emission

1 School Bus Program adopted by the State Air Resources Board. If a local air district
2 has unspent funds within six months of the expenditure deadline, the air district shall
3 work with the State Air Resources Board to transfer funds to an alternative air
4 district with existing demand.

5 (e) The sum of twenty million dollars (\$20,000,000) to the California
6 Conservation Corps for the acquisition, development, restoration, and rehabilitation
7 of land and water resources, and for grants and state administrative costs in
8 accordance with the following schedule:

9 (1) The sum of five million dollars (\$5,000,000) shall be available for resource
10 conservation activities.

11 (2) The sum of fifteen million dollars (\$15,000,000) shall be available for grants
12 to local conservation corps for acquisition and development of facilities to support
13 local conservation corps programs.

14 (f) The sum of seventy-five million dollars (\$75,000,000) shall be available for
15 grants for the preservation of agricultural lands and grazing lands, including oak
16 woodlands and grasslands.

17 (g) The sum of ten million dollars (\$10,000,000) to the Department of Forestry
18 and Fire Protection for grants for urban forestry programs pursuant to the California
19 Urban Forestry Act of 1978 (Chapter 2 (commencing with Section 4799.06) of Part
20 2.5 of Division 1).

21 **Comment.** Subdivision (a) of Section 5096.650 is amended to update a cross-reference to former
22 Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code. This is a
23 nonsubstantive change.

24 **Pub. Res. Code § 10344 (amended). Coordination with Oak Woodlands Conservation Act**

25 SEC. _____. Section 10344 of the Public Resources Code is amended to read:

26 10344. The board may coordinate this program with the Oak Woodlands
27 Conservation Act established pursuant to Article 3.5 (commencing with Section
28 1360) of ~~Chapter 4 Chapter 1~~ of ~~Division 2~~ Division 2.5 of the Fish and Game Code,
29 as administered by the board.

30 **Comment.** Section 10344 is amended to update a cross-reference to former Division 2 of the
31 Fish and Game Code. This is a nonsubstantive change.

32 **Pub. Res. Code § 21080.35 (amended). Solar energy systems exempt**

33 SEC. _____. Section 21080.35 of the Public Resources Code is amended to read:

34 21080.35. (a) Except as provided in subdivision (d), this division does not apply
35 to the installation of a solar energy system on the roof of an existing building or at
36 an existing parking lot.

37 (b) For the purposes of this section, the following terms mean the following:

38 (1) “Existing parking lot” means an area designated and used for parking of
39 vehicles as of the time of the application for the solar energy system and for at least
40 the previous two years.

1 (2) “Solar energy system” includes all associated equipment. Associated
2 equipment consists of parts and materials that enable the generation and use of solar
3 electricity or solar-heated water, including any monitoring and control, safety,
4 conversion, and emergency responder equipment necessary to connect to the
5 customer's electrical service or plumbing and any equipment, as well as any
6 equipment necessary to connect the energy generated to the electrical grid, whether
7 that connection is onsite or on an adjacent parcel of the building and separated only
8 by an improved right-of-way. “Associated equipment” does not include a
9 substation.

10 (c)(1) Associated equipment shall be located on the same parcel of the building,
11 except that associated equipment necessary to connect the energy generated to the
12 electrical grid may be located immediately adjacent to the parcel of the building or
13 immediately adjacent to the parcel of the building and separated only by an
14 improved right-of-way.

15 (2) Associated equipment shall not occupy more than 500 square feet of ground
16 surface and the site of the associated equipment shall not contain plants protected
17 by the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of
18 ~~Division 2~~ Division 2.5 of the Fish and Game Code).

19 (d) This section does not apply if the associated equipment would otherwise
20 require one of the following:

21 (1) An individual federal permit pursuant to Section 401 or 404 of the federal
22 Clean Water Act (33 U.S.C. Sec. 1341 or 1344) or waste discharge requirements
23 pursuant to the Porter-Cologne Water Quality Control Act (Division 7 (commencing
24 with Section 13000) of the Water Code).

25 (2) An individual take permit for species protected under the federal Endangered
26 Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or the California Endangered
27 Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish
28 and Game Code).

29 (3) A streambed alteration permit pursuant to Chapter 6 (commencing with
30 Section 1600) of ~~Division 2~~ Division 2.5 of the Fish and Game Code.

31 (e) This section does not apply if the installation of a solar energy system at an
32 existing parking lot involves either of the following:

33 (1) The removal of a tree required to be planted, maintained, or protected pursuant
34 to local, state, or federal requirements, unless the tree dies and there is no
35 requirement to replace the tree.

36 (2) The removal of a native tree over 25 years old.

37 (f) This section does not apply to any transmission or distribution facility or
38 connection.

39 **Comment.** Section 21080.35 is amended to update cross-references to former Division 2 of the
40 Fish and Game Code. These are nonsubstantive changes.

41 **Pub. Res. Code § 21083.4 (amended). Oak woodlands**

42 SEC. _____. Section 21083.4 of the Public Resources Code is amended to read:

1 21083.4. (a) For purposes of this section, “oak” means a native tree species in the
2 genus Quercus, not designated as Group A or Group B commercial species pursuant
3 to regulations adopted by the State Board of Forestry and Fire Protection pursuant
4 to Section 4526, and that is 5 inches or more in diameter at breast height.

5 (b) As part of the determination made pursuant to Section 21080.1, a county shall
6 determine whether a project within its jurisdiction may result in a conversion of oak
7 woodlands that will have a significant effect on the environment. If a county
8 determines that there may be a significant effect to oak woodlands, the county shall
9 require one or more of the following oak woodlands mitigation alternatives to
10 mitigate the significant effect of the conversion of oak woodlands:

11 (1) Conserve oak woodlands, through the use of conservation easements.

12 (2)(A) Plant an appropriate number of trees, including maintaining plantings and
13 replacing dead or diseased trees.

14 (B) The requirement to maintain trees pursuant to this paragraph terminates seven
15 years after the trees are planted.

16 (C) Mitigation pursuant to this paragraph shall not fulfill more than one-half of
17 the mitigation requirement for the project.

18 (D) The requirements imposed pursuant to this paragraph also may be used to
19 restore former oak woodlands.

20 (3) Contribute funds to the Oak Woodlands Conservation Fund, as established
21 under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose
22 of purchasing oak woodlands conservation easements, as specified under paragraph
23 (1) of subdivision (d) of that section and the guidelines and criteria of the Wildlife
24 Conservation Board. A project applicant that contributes funds under this paragraph
25 shall not receive a grant from the Oak Woodlands Conservation Fund as part of the
26 mitigation for the project.

27 (4) Other mitigation measures developed by the county.

28 (c) Notwithstanding subdivision (d) of Section 1363 of the Fish and Game Code,
29 a county may use a grant awarded pursuant to the Oak Woodlands Conservation Act
30 (Article 3.5 (commencing with Section 1360) of ~~Chapter 4 of Division 2~~ Chapter 1
31 of Division 2 of the Fish and Game Code) to prepare an oak conservation element
32 for a general plan, an oak protection ordinance, or an oak woodlands management
33 plan, or amendments thereto, that meets the requirements of this section.

34 (d) The following are exempt from this section:

35 (1) Projects undertaken pursuant to an approved Natural Community
36 Conservation Plan or approved subarea plan within an approved Natural
37 Community Conservation Plan that includes oaks as a covered species or that
38 conserves oak habitat through natural community conservation preserve designation
39 and implementation and mitigation measures that are consistent with this section.

40 (2) Affordable housing projects for lower income households, as defined pursuant
41 to Section 50079.5 of the Health and Safety Code, that are located within an
42 urbanized area, or within a sphere of influence as defined pursuant to Section 56076
43 of the Government Code.

1 (3) Conversion of oak woodlands on agricultural land that includes land that is
2 used to produce or process plant and animal products for commercial purposes.

3 (4) Projects undertaken pursuant to Section 21080.5 of the Public Resources
4 Code.

5 (e)(1) A lead agency that adopts, and a project that incorporates, one or more of
6 the measures specified in this section to mitigate the significant effects to oaks and
7 oak woodlands shall be deemed to be in compliance with this division only as it
8 applies to effects on oaks and oak woodlands.

9 (2) The Legislature does not intend this section to modify requirements of this
10 division, other than with regard to effects on oaks and oak woodlands.

11 (f) This section does not preclude the application of Section 21081 to a project.

12 (g) This section, and the regulations adopted pursuant to this section, shall not be
13 construed as a limitation on the power of a public agency to comply with this
14 division or any other provision of law.

15 **Comment.** Subdivision (c) of Section 21083.4 is amended to update cross-references to former
16 Chapter 4 of Division 2 of the Fish and Game Code. This is a nonsubstantive change.

17 **Pub. Res. Code § 21155.1 (amended). Transit priority project**

18 SEC. _____. Section 21155.1 of the Public Resources Code is amended to read:

19 21155.1. If the legislative body finds, after conducting a public hearing, that a
20 transit priority project meets all of the requirements of subdivisions (a) and (b) and
21 one of the requirements of subdivision (c), the transit priority project is declared to
22 be a sustainable communities project and shall be exempt from this division.

23 (a) The transit priority project complies with all of the following environmental
24 criteria:

25 (1) The transit priority project and other projects approved prior to the approval
26 of the transit priority project but not yet built can be adequately served by existing
27 utilities, and the transit priority project applicant has paid, or has committed to pay,
28 all applicable in-lieu or development fees.

29 (2)(A) The site of the transit priority project does not contain wetlands or riparian
30 areas and does not have significant value as a wildlife habitat, and the transit priority
31 project does not harm any species protected by the federal Endangered Species Act
32 of 1973 (16 U.S.C. Sec. 1531 et seq.), the Native Plant Protection Act (Chapter 10
33 (commencing with Section 1900) of ~~Division 2~~ Division 2.5 of the Fish and Game
34 Code), or the California Endangered Species Act (Chapter 1.5 (commencing with
35 Section 2050) of Division 3 of the Fish and Game Code), and the project does not
36 cause the destruction or removal of any species protected by a local ordinance in
37 effect at the time the application for the project was deemed complete.

38 (B) For the purposes of this paragraph, “wetlands” has the same meaning as in the
39 United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

40 (C) For the purposes of this paragraph:

41 (i) “Riparian areas” means those areas transitional between terrestrial and aquatic
42 ecosystems and that are distinguished by gradients in biophysical conditions,

1 ecological processes, and biota. A riparian area is an area through which surface and
2 subsurface hydrology connect waterbodies with their adjacent uplands. A riparian
3 area includes those portions of terrestrial ecosystems that significantly influence
4 exchanges of energy and matter with aquatic ecosystems. A riparian area is adjacent
5 to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine
6 shorelines.

7 (ii) “Wildlife habitat” means the ecological communities upon which wild
8 animals, birds, plants, fish, amphibians, and invertebrates depend for their
9 conservation and protection.

10 (iii) Habitat of “significant value” includes wildlife habitat of national, statewide,
11 regional, or local importance; habitat for species protected by the federal
12 Endangered Species Act of 1973 (16 U.S.C. Sec. 1531, et seq.), the California
13 Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division
14 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10
15 (commencing with Section 1900) of ~~Division 2~~ Division 2.5 of the Fish and Game
16 Code); habitat identified as candidate, fully protected, sensitive, or species of special
17 status by local, state, or federal agencies; or habitat essential to the movement of
18 resident or migratory wildlife.

19 (3) The site of the transit priority project is not included on any list of facilities
20 and sites compiled pursuant to Section 65962.5 of the Government Code.

21 (4) The site of the transit priority project is subject to a preliminary endangerment
22 assessment prepared by an environmental assessor to determine the existence of any
23 release of a hazardous substance on the site and to determine the potential for
24 exposure of future occupants to significant health hazards from any nearby property
25 or activity.

26 (A) If a release of a hazardous substance is found to exist on the site, the release
27 shall be removed or any significant effects of the release shall be mitigated to a level
28 of insignificance in compliance with state and federal requirements.

29 (B) If a potential for exposure to significant hazards from surrounding properties
30 or activities is found to exist, the effects of the potential exposure shall be mitigated
31 to a level of insignificance in compliance with state and federal requirements.

32 (5) The transit priority project does not have a significant effect on historical
33 resources pursuant to Section 21084.1.

34 (6) The transit priority project site is not subject to any of the following:

35 (A) A wildland fire hazard, as determined by the Department of Forestry and Fire
36 Protection, unless the applicable general plan or zoning ordinance contains
37 provisions to mitigate the risk of a wildland fire hazard.

38 (B) An unusually high risk of fire or explosion from materials stored or used on
39 nearby properties.

40 (C) Risk of a public health exposure at a level that would exceed the standards
41 established by any state or federal agency.

42 (D) Seismic risk as a result of being within a delineated earthquake fault zone, as
43 determined pursuant to Section 2622, or a seismic hazard zone, as determined

1 pursuant to Section 2696, unless the applicable general plan or zoning ordinance
2 contains provisions to mitigate the risk of an earthquake fault or seismic hazard
3 zone.

4 (E) Landslide hazard, flood plain, flood way, or restriction zone, unless the
5 applicable general plan or zoning ordinance contains provisions to mitigate the risk
6 of a landslide or flood.

7 (7) The transit priority project site is not located on developed open space.

8 (A) For the purposes of this paragraph, “developed open space” means land that
9 meets all of the following criteria:

10 (i) Is publicly owned, or financed in whole or in part by public funds.

11 (ii) Is generally open to, and available for use by, the public.

12 (iii) Is predominantly lacking in structural development other than structures
13 associated with open spaces, including, but not limited to, playgrounds, swimming
14 pools, ballfields, enclosed child play areas, and picnic facilities.

15 (B) For the purposes of this paragraph, “developed open space” includes land that
16 has been designated for acquisition by a public agency for developed open space,
17 but does not include lands acquired with public funds dedicated to the acquisition
18 of land for housing purposes.

19 (8) The buildings in the transit priority project are 15 percent more energy
20 efficient than required by Chapter 6 of Title 24 of the California Code of Regulations
21 and the buildings and landscaping are designed to achieve 25 percent less water
22 usage than the average household use in the region.

23 (b) The transit priority project meets all of the following land use criteria:

24 (1) The site of the transit priority project is not more than eight acres in total area.

25 (2) The transit priority project does not contain more than 200 residential units.

26 (3) The transit priority project does not result in any net loss in the number of
27 affordable housing units within the project area.

28 (4) The transit priority project does not include any single level building that
29 exceeds 75,000 square feet.

30 (5) Any applicable mitigation measures or performance standards or criteria set
31 forth in the prior environmental impact reports, and adopted in findings, have been
32 or will be incorporated into the transit priority project.

33 (6) The transit priority project is determined not to conflict with nearby operating
34 industrial uses.

35 (7) The transit priority project is located within one-half mile of a rail transit
36 station or a ferry terminal included in a regional transportation plan or within one-
37 quarter mile of a high-quality transit corridor included in a regional transportation
38 plan.

39 (c) The transit priority project meets at least one of the following three criteria:

40 (1) The transit priority project meets both of the following:

41 (A) At least 20 percent of the housing will be sold to families of moderate income,
42 or not less than 10 percent of the housing will be rented to families of low income,
43 or not less than 5 percent of the housing is rented to families of very low income.

1 (B) The transit priority project developer provides sufficient legal commitments
2 to the appropriate local agency to ensure the continued availability and use of the
3 housing units for very low, low-, and moderate-income households at monthly
4 housing costs with an affordable housing cost or affordable rent, as defined in
5 Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period
6 required by the applicable financing. Rental units shall be affordable for at least 55
7 years. Ownership units shall be subject to resale restrictions or equity sharing
8 requirements for at least 30 years.

9 (2) The transit priority project developer has paid or will pay in-lieu fees pursuant
10 to a local ordinance in an amount sufficient to result in the development of an
11 equivalent number of units that would otherwise be required pursuant to paragraph
12 (1).

13 (3) The transit priority project provides public open space equal to or greater than
14 five acres per 1,000 residents of the project.

15 **Comment.** Subdivision (a) of Section 21155.1 is amended to update cross-references to former
16 Division 2 of the Fish and Game Code. These are nonsubstantive changes.

17 **Pub. Res. Code § 21155.9 (amended). Housing project exemption**

18 SEC. _____. Section 21155.9 of the Public Resources Code is amended to read:

19 21155.9. A housing project qualifies for an exemption from this division pursuant
20 to Section 21159.22, 21159.23, or 21159.24 if it meets the criteria in the applicable
21 section and all of the following criteria:

22 (a) The project is consistent with any applicable general plan, specific plan, and
23 local coastal program, including any mitigation measures required by a plan or
24 program, as that plan or program existed on the date that the application was deemed
25 complete and with any applicable zoning ordinance, as that zoning ordinance
26 existed on the date that the application was deemed complete, except that a project
27 shall not be deemed to be inconsistent with the zoning designation for the site if that
28 zoning designation is inconsistent with the general plan only because the project site
29 has not been rezoned to conform with a more recently adopted general plan.

30 (b) Community-level environmental review has been adopted or certified.

31 (c) The project and other projects approved prior to the approval of the project
32 can be adequately served by existing utilities, and the project applicant has paid, or
33 has committed to pay, all applicable in-lieu or development fees.

34 (d) The site of the project does not contain wetlands, does not have any value as
35 a wildlife habitat, and the project does not harm any species protected by the federal
36 Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) or by the Native Plant
37 Protection Act (Chapter 10 (commencing with Section 1900) of ~~Division 2~~ Division
38 2.5 of the Fish and Game Code), the California Endangered Species Act (Chapter
39 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code),
40 and the project does not cause the destruction or removal of any species protected
41 by a local ordinance in effect at the time the application for the project was deemed
42 complete. For the purposes of this subdivision, “wetlands” has the same meaning as

1 in Section 328.3 of Title 33 of the Code of Federal Regulations and “wildlife
2 habitat” means the ecological communities upon which wild animals, birds, plants,
3 fish, amphibians, and invertebrates depend for their conservation and protection.

4 (e) The site of the project is not included on any list of facilities and sites compiled
5 pursuant to Section 65962.5 of the Government Code.

6 (f) The site of the project is subject to a preliminary endangerment assessment
7 prepared by an environmental assessor to determine the existence of any release of
8 a hazardous substance on the site and to determine the potential for exposure of
9 future occupants to significant health hazards from any nearby property or activity.

10 (1) If a release of a hazardous substance is found to exist on the site, the release
11 shall be removed, or any significant effects of the release shall be mitigated to a
12 level of insignificance in compliance with state and federal requirements.

13 (2) If a potential for exposure to significant hazards from surrounding properties
14 or activities is found to exist, the effects of the potential exposure shall be mitigated
15 to a level of insignificance in compliance with state and federal requirements.

16 (g) The project does not have a significant effect on historical resources pursuant
17 to Section 21084.1.

18 (h) The project site is not subject to any of the following:

19 (1) A wildland fire hazard, as determined by the Department of Forestry and Fire
20 Protection, unless the applicable general plan or zoning ordinance contains
21 provisions to mitigate the risk of a wildland fire hazard.

22 (2) An unusually high risk of fire or explosion from materials stored or used on
23 nearby properties.

24 (3) Risk of a public health exposure at a level that would exceed the standards
25 established by any state or federal agency.

26 (4) Within a delineated earthquake fault zone, as determined pursuant to Section
27 2622, or a seismic hazard zone, as determined pursuant to Section 2696, unless the
28 applicable general plan or zoning ordinance contains provisions to mitigate the risk
29 of an earthquake fault or seismic hazard zone.

30 (5) Landslide hazard, flood plain, flood way, or restriction zone, unless the
31 applicable general plan or zoning ordinance contains provisions to mitigate the risk
32 of a landslide or flood.

33 (i)(1) The project site is not located on developed open space.

34 (2) For the purposes of this subdivision, “developed open space” means land that
35 meets all of the following criteria:

36 (A) Is publicly owned, or financed in whole or in part by public funds.

37 (B) Is generally open to, and available for use by, the public.

38 (C) Is predominantly lacking in structural development other than structures
39 associated with open spaces, including, but not limited to, playgrounds, swimming
40 pools, ballfields, enclosed child play areas, and picnic facilities.

41 (3) For the purposes of this subdivision, “developed open space” includes land
42 that has been designated for acquisition by a public agency for developed open

1 space, but does not include lands acquired by public funds dedicated to the
2 acquisition of land for housing purposes.

3 (j) The project site is not located within the boundaries of a state conservancy.

4 **Comment.** Subdivision (d) of Section 21155.9 is amended to update a cross-reference to former
5 Division 2 of the Fish and Game Code. This is a nonsubstantive change.

6 **Pub. Res. Code § 29113 (amended). Suisun Marsh protection plan**

7 SEC. _____. Section 29113 of the Public Resources Code is amended to read:

8 29113. (a) “Suisun Marsh Protection Plan” or “protection plan” means the Suisun
9 Marsh Protection Plan prepared and adopted by the commission and submitted to
10 the Governor and Legislature pursuant to former Chapter 9 (commencing with
11 Section 1850) of ~~Division 2~~ Division 2.5 of the Fish and Game Code. The protection
12 plan includes the Suisun Marsh Protection Plan Map and the Suisun Marsh
13 Protection Plan Natural Factors Map prepared as a part of such plan.

14 (b) “Protection plan policies” or “policies of the protection plan” means the
15 policies set forth in Part II (pages 10 to 29, inclusive) of the protection plan.

16 **Comment.** Section 29113 is amended to update a cross-reference to former Division 2 of the
17 Fish and Game Code. This is a nonsubstantive change.

18 **Pub. Res. Code § 26403 (amended). Programs and projects funded from the Resources**
19 **Account**

20 SEC. _____. Section 26403 of the Public Resources Code is amended to read:

21 26403. Programs and projects eligible for funding from the Resources Account
22 shall be limited to any of the following:

23 (1) Appropriations to the State Coastal Conservancy for grants to public and
24 private agencies for the restoration of urban waterfronts, as described in “An Urban
25 Waterfronts Program for California” required by Chapter 1040 of the Statutes of
26 1981. Appropriations to the conservancy may include, but shall not be limited to,
27 particular projects identified in that report.

28 (2) Projects under the Roberti-Z’berg Urban Open-Space and Recreation Program
29 Act (Chapter 3.2 (commencing with Section 5620) of Division 5 of the Public
30 Resources Code).

31 (3) Appropriations to the State Coastal Conservancy for grants to public and
32 private agencies for acquisition, development, rehabilitation, restoration, operation,
33 and maintenance of real property and facilities which provide public access ways to
34 or along the coast or the shoreline of San Francisco Bay.

35 (4) Wetland protection, preservation, restoration, and enhancement projects in
36 accordance with the Keene-Nejedly California Wetlands Preservation Act (Chapter
37 7 (commencing with Section 5810) of Division 5 of the Public Resources Code), or,
38 in accordance with provisions governing the State Coastal Conservancy (Division
39 21 (commencing with Section 31000) of the Public Resources Code).

40 (5) Restoration, enhancement, and preservation of wildlife habitat on federal
41 lands pursuant to the Sikes Act (16 U.S.C. Sec. 670a, et seq.).

1 (6) Acquisition and development of real property for wildlife management in
2 accordance with the purposes of the Wildlife Conservation Law of 1947 (~~Chapter 4~~
3 Chapter 1 (commencing with Section 1300) of ~~Division 2~~ Division 2.5 of the Fish
4 and Game Code).

5 (7) Reforestation, urban forestry, and forest improvement projects in accordance
6 with the provisions of Part 2.5 (commencing with Section 4790) of Division 4 of
7 the Public Resources Code.

8 (8) Water reclamation, watershed management, water conservation, instream use,
9 and drainage management programs approved by the Director of Water Resources
10 or the State Water Resources Control Board.

11 (9) Watershed restoration, erosion control, fire hazard reduction, land
12 conservation, and fish and wildlife habitat improvement projects.

13 (10) Acquisition, restoration, and preservation of habitat for rare and endangered
14 species.

15 (11) Programs for the prevention of soil loss and soil degradation.

16 (12) Programs for the preservation and protection of prime agricultural lands.

17 (13) Shoreline erosion control projects.

18 (14) Mitigation of environmental damage resulting from gas or oil production on
19 state lands.

20 (15) Programs to develop a computer-based mapping system to store, refine,
21 analyze, and display resource data.

22 (16) Programs for development and enhancement of renewable agricultural
23 resources.

24 (17) Programs to safeguard public and environmental health from hazardous
25 materials.

26 (18) Programs for geothermal resources assessment.

27 (19) Other programs which enhance and conserve renewable and nonrenewable
28 resources.

29 **Comment.** Paragraph (6) of Section 26403 is amended to update a cross-reference to former
30 Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code. This is a
31 nonsubstantive change.

32 **Pub. Res. Code § 29305 (amended). Acquisition of property by Wildlife Conservation Board**

33 SEC. _____. Section 29305 of the Public Resources Code is amended to read:

34 29305. The Wildlife Conservation Board shall acquire title to, or a lesser right or
35 interest in, land or water that the board determines is appropriate for the purposes
36 of the protection plan. When authorized by the board, the department shall construct
37 facilities that are suitable for the purpose for which the acquisitions were made. The
38 acquisitions shall be made in accordance with the Wildlife Conservation Law of
39 1947 (~~Chapter 4~~ Chapter 1 (commencing with Section 1300) of ~~Division 2~~ Division
40 2.5 of the Fish and Game Code) and the criteria specified in Section 29009 of this
41 code.

1 **Comment.** Section 29305 is amended to update a cross-reference to former Chapter 4
2 (commencing with Section 1300) of Division 2 of the Fish and Game Code. This is a nonsubstantive
3 change.

4 **Pub. Res. Code § 37002 (amended). Definitions**

5 SEC. _____. Section 37002 of the Public Resources Code is amended to read:

6 37002. As used in this division, the following terms have the following meanings:

7 (a) “Approval” or “approval for acceptance” means the board's approval of the
8 granting of a tax credit for a donation of property pursuant to the program.

9 (b) “Board” means the Wildlife Conservation Board created pursuant to Article 2
10 (commencing with Section 1320) of Chapter 4 of ~~Division 2~~ Division 2.5 of the Fish
11 and Game Code.

12 (c) “Conservation easement” means a conservation easement, as defined by
13 Section 815.1 of the Civil Code, that is contributed in perpetuity.

14 (d) “Department” means any entity created by statute within the Natural
15 Resources Agency and authorized to hold title to land, or the Natural Resources
16 Agency.

17 (e)(1) “Designated nonprofit organization” means a nonprofit organization
18 qualified under Section 501(c)(3) of Title 26 of the United States Code that has as a
19 principal purpose the conservation of land and water resources and that is designated
20 by a local government or a department to accept property pursuant to this division
21 in lieu of the local government or a department. In order to be eligible to receive a
22 donation of property pursuant to this division, a nonprofit organization shall have
23 experience in land conservation.

24 (2) If bond funds are used pursuant to Chapter 7 (commencing with Section
25 37030), the designated nonprofit organization shall also meet the eligibility
26 requirements specified in the relevant provision of the applicable bond act, for a
27 nonprofit organization.

28 (f) “Donee” means any of the following:

29 (1) A department to which a donor has applied to donate property.

30 (2) A local government that has submitted a joint application with a department
31 requesting approval of a donation of property to that local government.

32 (3) A local government that has submitted an application directly to the board.

33 (4) A designated nonprofit organization.

34 (g) “Donor” means a property owner that donates, or submits an application to
35 donate, property pursuant to the program.

36 (h)(1) “Local government” means any city, county, city and county, or any
37 district, as defined in Section 5902 or in Division 26 (commencing with Section
38 35100), or any joint powers authority made up of one or more of those entities or
39 those entities and departments.

40 (2) If bond funds are used pursuant to Chapter 7 (commencing with Section
41 37030), “local government” also includes any other local governmental entity

1 eligible to receive bond funds pursuant to the relevant provision of the applicable
2 bond act.

3 (i) “Program” means the Natural Heritage Preservation Tax Credit Program
4 authorized by this division.

5 (j) “Property” means any real property, and any perpetual interest therein,
6 including land, conservation easements, and land containing water rights, as well as
7 water rights.

8 (k) “Secretary” means the Secretary of the Natural Resources Agency.

9 **Comment.** Section 37002 is amended to update a cross-reference to former Division 2 of the
10 Fish and Game Code. This is a nonsubstantive change.

11 **Pub. Res. Code § 75055 (amended). Protection and conservation of forests and wildlife**
12 **habitat**

13 SEC. _____. Section 75055 of the Public Resources Code is amended to read:

14 75055. The sum of four hundred fifty million dollars (\$450,000,000) shall be
15 available for the protection and conservation of forests and wildlife habitat
16 according to the following schedule:

17 (a) Notwithstanding Section 13340 of the Government Code, the sum of one
18 hundred eighty million dollars (\$180,000,000) is continuously appropriated to the
19 board for forest conservation and protection projects. The goal of this grant program
20 is to promote the ecological integrity and economic stability of California’s diverse
21 native forests for all their public benefits through forest conservation, preservation
22 and restoration of productive managed forest lands, forest reserve areas, redwood
23 forests and other forest types, including the conservation of water resources and
24 natural habitats for native fish, wildlife and plants found on these lands.

25 (b)(1) Notwithstanding Section 13340 of the Government Code, the sum of one
26 hundred thirty five million dollars (\$135,000,000) is hereby continuously
27 appropriated to the board for the development, rehabilitation, restoration,
28 acquisition and protection of habitat that accomplishes one or more of the following
29 objectives:

30 (A) Promotes the recovery of threatened and endangered species.

31 (B) Provides corridors linking separate habitat areas to prevent fragmentation.

32 (C) Protects significant natural landscapes and ecosystems such as old growth
33 redwoods, mixed conifer forests and oak woodlands, riparian and wetland areas, and
34 other significant habitat areas.

35 (D) Implements the recommendations of California Comprehensive Wildlife
36 Strategy, as submitted October 2005 to the United States Fish and Wildlife Service.

37 (2) Funds authorized by this subdivision may be used for direct expenditures or
38 for grants and for related state administrative costs, pursuant to the Wildlife
39 Conservation Law of 1947, ~~Chapter 4~~ Chapter 1 (commencing with Section 1300)
40 of ~~Division 2~~ Division 2.5 of the Fish and Game Code, the Oak Woodland
41 Conservation Act, Article 3.5 (commencing with Section 1360) of ~~Chapter 4~~ of
42 ~~Division 2~~ Chapter 1 of Division 2.5 of the Fish and Game Code, and the California

1 Rangeland, Grazing Land and Grassland Protection Act, commencing with Section
2 10330 of Division 10.4. Funds scheduled in this subdivision may be used to prepare
3 management plans for properties acquired by the Wildlife Conservation Board and
4 for the development of scientific data, habitat mapping and other research
5 information necessary to determine the priorities for restoration and acquisition
6 statewide.

7 (3) Up to twenty five million dollars (\$25,000,000) may be granted to the
8 University of California for the Natural Reserve System for matching grants for land
9 acquisition and for the construction and development of facilities that will be used
10 for research and training to improve the management of natural lands and the
11 preservation of California's wildlife resources.

12 (c) The sum of ninety million dollars (\$90,000,000) shall be available to the board
13 for grants to implement or assist in the establishment of Natural Community
14 Conservation Plans, Chapter 10 (commencing with Section 2800) of Division 3 of
15 the Fish and Game Code.

16 (d) The sum of forty five million dollars (\$45,000,000) shall be available for the
17 protection of ranches, farms, and oak woodlands according the following schedule:

18 (1) Grazing land protection pursuant to the California Rangeland, Grazing Land
19 and Grassland Protection Act, commencing with Section 10330 of Division 10.4
20 . . . \$15,000,000.

21 (2) Oak Woodland Preservation pursuant to Article 3.5 (commencing with
22 Section 1360) of ~~Chapter 4 of Division 2~~ Chapter 1 of Division 2.5 of the Fish and
23 Game Code . . . \$15,000,000.

24 (3) Agricultural land preservation pursuant to the California Farmland
25 Conservancy Program Act of 1995, Article 1 (commencing with Section 10200) of
26 Division 10.2 . . . \$10,000,000.

27 (4) To the board for grants to assist farmers in integrating agricultural activities
28 with ecosystem restoration and wildlife protection . . . \$5,000,000.

29 **Comment.** Paragraphs (b)(2) and (d)(2) of Section 75055 are amended to update cross-
30 references to former Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and
31 Game Code. These are nonsubstantive changes.

32 **Pub. Res. Code § 80132 (amended). Wildlife conservation expenditures**

33 SEC. _____. Section 80132 of the Public Resources Code is amended to read:

34 80132. (a) Of the amount made available pursuant to Section 80130, eighteen
35 million dollars (\$18,000,000) shall be available to the Wildlife Conservation Board
36 for direct expenditures pursuant to the Wildlife Conservation Law of 1947 (~~Chapter~~
37 4 Chapter 1 (commencing with Section 1300) of ~~Division 2~~ Division 2.5 of the Fish
38 and Game Code) and for grants for any of the following:

39 (1) Projects for the acquisition, development, rehabilitation, restoration,
40 protection, and expansion of wildlife corridors and open space, including projects
41 to improve connectivity and reduce barriers between habitat areas. In awarding
42 grants pursuant to this paragraph, the Wildlife Conservation Board shall give

1 priority to projects that protect wildlife corridors, including wildlife corridors
2 threatened by urban development.

3 (2) Projects for the acquisition, development, rehabilitation, restoration,
4 protection, and expansion of habitat that promote the recovery of threatened and
5 endangered species.

6 (3) Projects to improve climate adaptation and resilience of natural systems.

7 (4) Projects to protect and improve existing open-space corridors and trail
8 linkages related to utility, transportation, or water infrastructure that provide habitat
9 connectivity and public access or trails.

10 (5) Projects for wildlife rehabilitation facilities after consultation with the
11 Department of Fish and Wildlife.

12 (6) Projects to control invasive plants or insects that degrade wildlife corridors or
13 habitat linkages, inhibit the recovery of threatened or endangered species, or reduce
14 the climate resilience of a natural system.

15 (7) Projects to enhance wildlife habitat, recognizing the highly variable habitat
16 needs required by fish and wildlife. Eligible projects include acquisition of water or
17 water rights from willing sellers, acquisition of land that includes water rights or
18 contractual rights to water, short- or long-term water transfers and leases, projects
19 that provide water for fish and wildlife, projects that improve aquatic or riparian
20 habitat conditions, or projects to benefit salmon and steelhead.

21 (8) Implementation of conservation actions and habitat enhancement actions that
22 measurably advance the conservation objectives of regional conservation
23 investment strategies approved pursuant to Chapter 9 (commencing with Section
24 1850) of ~~Division 2~~ Division 2.5 of the Fish and Game Code.

25 (9) Provision of hunting and other wildlife-dependent recreational opportunities
26 to the public through voluntary agreement with private landowners, including
27 opportunities pursuant to Section 1572 of the Fish and Game Code.

28 (b) In implementing this section, the Wildlife Conservation Board may provide
29 matching grants for incentives to landowners for conservation actions on private
30 lands or use of voluntary habitat credit exchange mechanisms. A matching grant
31 shall not exceed 50 percent of the total cost of the incentive program.

32 (c) Of the amount made available pursuant to Section 80130, thirty million dollars
33 (\$30,000,000) shall be available for the acquisition, development, rehabilitation,
34 restoration, protection, and expansion of wildlife corridors and open space to
35 improve connectivity and reduce barriers between habitat areas and to protect and
36 restore habitat associated with the Pacific Flyway. In awarding grants pursuant to
37 this subdivision, priority may be given to projects that protect wildlife corridors. Of
38 the amount described in this subdivision, ten million dollars (\$10,000,000) shall be
39 available for the California Waterfowl Habitat Program.

40 (d) Of the amount made available pursuant to Section 80130, not less than twenty-
41 five million dollars (\$25,000,000) shall be available to the Department of Fish and
42 Wildlife for projects to restore rivers and streams in support of fisheries and wildlife,
43 including, but not limited to, reconnection of rivers with their flood plains, riparian

1 and side-channel habitat restoration activities described in subdivision (b) of Section
2 79737 of the Water Code, and restoration and protection of upper watershed forests
3 and meadow systems that are important for fish and wildlife resources. Subdivision
4 (f) of Section 79738 of the Water Code applies to this subdivision. Of the amount
5 available pursuant to this subdivision, at least five million dollars (\$5,000,000) shall
6 be available for restoration projects in the Klamath-Trinity watershed for the benefit
7 of salmon and steelhead. Priority shall be given to projects supported by
8 multistakeholder public or private partnerships, or both, using a science-based
9 approach and measurable objectives to guide identification, design, and
10 implementation of regional actions to benefit salmon and steelhead.

11 (e)(1) Of the amount made available pursuant to Section 80130, not less than sixty
12 million dollars (\$60,000,000) shall be available to the Wildlife Conservation Board
13 for construction, repair, modification, or removal of transportation or water
14 resources infrastructure to improve wildlife or fish passage.

15 (2) Of the amount subject to paragraph (1), at least thirty million dollars
16 (\$30,000,000) shall be available to the Department of Fish and Wildlife for
17 restoration of Southern California Steelhead habitat consistent with the Department
18 of Fish and Wildlife's Steelhead Restoration and Management Plan and the National
19 Marine Fisheries Service's Southern California Steelhead Recovery Plan. Projects
20 that remove significant barriers to steelhead migration and include other habitat
21 restoration and associated infrastructure improvements shall be the highest priority.

22 (f) Of the amount made available pursuant to Section 80130, not less than sixty
23 million dollars (\$60,000,000) shall be available to the Wildlife Conservation Board
24 for the protection, restoration, and improvement of upper watershed lands in the
25 Sierra Nevada and Cascade Mountains, including forest lands, meadows, wetlands,
26 chaparral, and riparian habitat, in order to protect and improve water supply and
27 water quality, improve forest health, reduce wildfire danger, mitigate the effects of
28 wildfires on water quality and supply, increase flood protection, or to protect or
29 restore riparian or aquatic resources.

30 (g) Of the amount made available pursuant to Section 80130, at least thirty million
31 dollars (\$30,000,000) shall be available to the Department of Fish and Wildlife to
32 improve conditions for fish and wildlife in streams, rivers, wildlife refuges, wetland
33 habitat areas, and estuaries. Eligible projects include acquisition of water from
34 willing sellers, acquisition of land that includes water rights or contractual rights to
35 water, short- or long-term water transfers or leases, provision of water for fish and
36 wildlife, or improvement of aquatic or riparian habitat conditions. In implementing
37 this section, the Department of Fish and Wildlife may provide grants under the
38 Fisheries Restoration Grant Program with priority given to coastal waters.

39 (h) The Wildlife Conservation Board shall update its strategic master plan that
40 identifies priorities and specific criteria for selecting projects pursuant to
41 subdivision (a).

1 (i) Activities funded pursuant to this section shall be consistent with the state’s
2 climate adaptation strategy, as provided in Section 71153, and the statewide
3 objectives provided in Section 71154.

4 **Comment.** Subdivision (a) of Section 80132 is amended to update a cross-reference to former
5 Chapter 4 (commencing with Section 1300) of Division 2 of the Fish and Game Code. Paragraph
6 (a)(8) is amended to update a cross-reference to former Division 2 of the Fish and Game Code.
7 These are nonsubstantive changes.

8 **Rev. & Tax. Code § 18749.2 (amended). Appropriation and allocation of funds**

9 SEC. ____ . Section 18749.2 of the Revenue and Taxation Code is amended to read:
10 18749.2. (a) Notwithstanding Section 13340 of the Government Code, all moneys
11 transferred to the Native California Wildlife Rehabilitation Voluntary Tax
12 Contribution Fund shall be continuously appropriated and allocated as follows:

13 (1) To the Franchise Tax Board and the Controller for reimbursement of all costs
14 incurred by the Franchise Tax Board and the Controller in connection with their
15 duties under this article.

16 (2) The revenues remaining, after allocation pursuant to paragraph (1), to the
17 Department of Fish and Wildlife for the purposes specified in Article 5
18 (commencing with Section 1773) of Chapter 7.5 of ~~Division 2~~ Division 2.5 of the
19 Fish and Game Code.

20 (b) The Department of Fish and Wildlife shall comply with the Internet Web site
21 reporting requirements described in Section 18873.

22 **Comment.** Section 18749.2 is amended to update a cross-reference to former Division 2 of the
23 Fish and Game Code. This is a nonsubstantive change.

24 **Sts. & Hwy. Code § 800 (amended). Advance mitigation**

25 SEC. ____ . Section 800 of the Streets and Highways Code is amended to read:
26 800. (a) The Advance Mitigation Program is hereby created in the department to
27 enhance communications between the department and stakeholders to protect
28 natural resources through project mitigation, to meet or exceed applicable
29 environmental requirements, to accelerate project delivery, and to mitigate, to the
30 maximum extent required by law, environmental impacts from transportation
31 infrastructure projects. The department shall consult on all activities pursuant to this
32 article with the Department of Fish and Wildlife, including activities pursuant to
33 Chapter 9 (commencing with Section 1850) of ~~Division 2~~ Division 2.5 of the Fish
34 and Game Code.

35 (b) Commencing with the 2017-18 fiscal year, and for a period of four years, the
36 department shall set aside no less than thirty million dollars (\$30,000,000) annually
37 for the Advance Mitigation Program from the annual appropriations for the State
38 Highway Operation and Protection Program and the State Transportation
39 Improvement Program for the planning and implementation of projects in the
40 Advance Mitigation Program. Mitigation credits or values generated or obtained
41 with these funds may be used only for transportation improvements in the State
42 Transportation Improvement Program or the State Highway Operation and

1 Protection Program, and may be transferred to another agency, but only upon full
2 reimbursement of the department pursuant to subdivision (b) of Section 800.6.

3 (c) Upon the order of the Director of Finance, the Controller shall transfer the
4 amount identified for the Advance Mitigation Program in subdivision (b), as
5 determined by the department and the Department of Finance, to the Advance
6 Mitigation Account in the State Transportation Fund.

7 (d) The annual Budget Act and subsequent legislation may establish additional
8 provisions and requirements for the program.

9 **Comment.** Section 800 is amended to update a cross-reference to former Division 2 of the Fish
10 and Game Code. This is a nonsubstantive change.

11 **Sts. & Hwy. Code § 800.5 (amended). Definitions**

12 SEC. _____. Section 800.5 of the Streets and Highways Code is amended to read:

13 800.5. For purposes of this article, the following terms have the following
14 meanings:

15 (a) “Acquire” and “acquisition” mean, with respect to land or a waterway,
16 acquisition of fee title or purchase of a conservation easement that protects
17 conservation and mitigation values on the land or waterway in perpetuity.

18 (b) “Administrative draft natural community conservation plan” means a
19 substantially complete draft of a natural community conservation plan that is
20 released after January 1, 2016, to the general public, plan participants, and the
21 department.

22 (c) “Advance mitigation” means mitigation implemented before, and in
23 anticipation of, environmental effects of planned transportation improvements.

24 (d) “Commission” means the California Transportation Commission.

25 (e) “Conservation easement” means a perpetual conservation easement that
26 complies with Chapter 4 (commencing with Section 815) of Title 2 of Part 2 of
27 Division 2 of the Civil Code.

28 (f) “Department” means the Department of Transportation.

29 (g) “Mitigation credit agreement” means a mitigation credit agreement pursuant
30 to Chapter 9 (commencing with Section 1850) of ~~Division 2~~ Division 2.5 of the Fish
31 and Game Code.

32 (h) “Natural Communities Conservation Plan” means a plan developed pursuant
33 to Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game
34 Code.

35 (i) “Planned transportation improvement” means a transportation project that a
36 transportation agency has identified in a regional transportation plan, an
37 interregional transportation plan, a capital improvement program, or other approved
38 transportation planning document, excluding any project that is associated with or
39 interacting with the high-speed rail program. A planned transportation improvement
40 may include, but is not limited to, a transportation project that has been planned,
41 programmed, proposed for approval, or that has been approved.

1 (j) “Program” means the Advance Mitigation Program implemented pursuant to
2 this article.

3 (k) “Regional conservation investment strategy” means a regional conservation
4 investment strategy approved by the Department of Fish and Wildlife pursuant to
5 Chapter 9 (commencing with Section 1850) of ~~Division 2~~ Division 2.5 of the Fish
6 and Game Code.

7 (l) “Regulatory agency” means a state or federal natural resource protection
8 agency with regulatory authority over planned transportation improvements. A
9 regulatory agency includes, but is not limited to, the Natural Resources Agency, the
10 Department of Fish and Wildlife, California regional water quality control boards,
11 the United States Fish and Wildlife Service, the National Marine Fisheries Service,
12 the United States Environmental Protection Agency, and the United States Army
13 Corps of Engineers.

14 (m) “Transportation agency” means the department, a metropolitan planning
15 organization, a regional transportation planning agency, or another public agency
16 that implements transportation improvements.

17 (n) “Transportation improvement” means a transportation capital improvement
18 project.

19 **Comment.** Section 800.5 is amended to update cross-references to former Division 2 of the Fish
20 and Game Code. These are a nonsubstantive changes.

21 **Water Code § 78682.2 (amended). River Parkway Subaccount**

22 SEC. _____. Section 78682.2 of the Water Code is amended to read:

23 78682.2. The money in the subaccount shall be made available, upon
24 appropriation by the Legislature, for the acquisition and restoration of riparian
25 habitat, riverine aquatic habitat, and other lands in close proximity to rivers and
26 streams and for river and stream trail projects undertaken in accordance with any of
27 the following provisions:

28 (a) ~~Chapter 4~~ Chapter 1 (commencing with Section 1300) and ~~Chapter 4.1~~ Chapter
29 2 (commencing with Section 1385) of ~~Division 2~~ Division 2.5 of the Fish and Game
30 Code.

31 (b) Chapter 5 (commencing with Section 31200), Chapter 6 (commencing with
32 Section 31251), and Chapter 9 (commencing with Section 31400), of Division 21
33 of the Public Resources Code.

34 (c) Division 22.5 (commencing with Section 32500) of the Public Resources
35 Code.

36 (d) Urban river park acquisition and restoration projects undertaken pursuant to
37 Division 23 (commencing with Section 33000) of the Public Resources Code.

38 (e) River parkway projects undertaken by a state agency, city, county, city and
39 county, or pursuant to a joint powers agreement between two or more of these
40 entities.

1 **Comment.** Section 78682.2 is amended to update cross-references to former Chapter 4
2 (commencing with Section 1300) and Chapter 4.1 of Division 2 of the Fish and Game Code. These
3 are nonsubstantive changes.

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.

<i>Existing Provision</i>	<i>Proposed Provision</i>	<i>Existing Provision</i>	<i>Proposed Provision</i>
716	15800	1726.1	7274
716.1	15805	1726.4	7276
716.2	15810	1726.5	7278
716.3	15815	1727	7280
716.4	15820	1728	7282
716.5	15825	1729	7282
716.6	15830	1730	7284
716.7	15835	1740	7450
716.8	15840	1741	7455
716.9	15845	1742	7460
717	15850	1743	7465
717.1	15855	1745	1250
717.2	15890	1745.1	1255
1725	7270	1745.2	1260
1726	7272		