

CALIFORNIA LAW REVISION COMMISSION

DISCUSSION
DRAFT

Fish and Game Code:
Funding Provisions

February 26, 2018

The purpose of this draft report is to solicit public comment on the Commission's tentative findings. A comment submitted to the Commission will be part of the public record. The Commission will consider the comment at a public meeting when the Commission determines the content of its final report.

COMMENTS SHOULD BE RECEIVED BY THE COMMISSION NOT LATER THAN April 30, 2018.

The Commission will often substantially revise a report in response to comment it receives. Thus, this draft report is not necessarily the final report that the Commission will approve.

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FISH AND GAME CODE FUNDING PROVISIONS

1

BACKGROUND

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

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

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

21 The request that the Commission study whether the Fish and Game Code
22 “should be revised to ... clarify ... funding sources” was explained more fully in a
23 letter that the Commission received from Diane Colborn (then Chief Consultant
24 for the Assembly Water, Parks & Wildlife Committee) and William Craven (Chief
25 Consultant for the Senate Committee on Natural Resources and Water).⁵ The letter
26 was also reviewed by Tom Gibson, then General Counsel for the Department of
27 Fish and Game.

28 The letter included the following request:

29 [I]t would also be helpful if the LRC could ... identify programs that lack
30 identified funding sources.⁶

1. 2010 Cal. Stat. ch. 424.

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

3. See CLRC Staff Memorandum 2012-5, pp. 22-23 (Jan. 27, 2012).

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

5. See CLRC Staff Memorandum 2012-9, Exhibit pp. 1-4 (Mar. 15, 2012).

6. *Id.* at Exhibit p. 1.

1 In July 2017, the Secretary of the Resources Agency, John Laird, requested that
2 the Commission postpone further work on its proposed recodification of the Fish
3 and Game Code and instead prioritize the task of identifying programs that lack
4 specified funding sources.⁷ The Commission agreed to do so.⁸

5 METHODOLOGY

6 At its September 2017 meeting, the Commission adopted a provisional
7 methodology for conducting the funding analysis.⁹ Key features of the
8 methodology include:

- 9 • The analysis will be used to prepare a purely descriptive report. The report
10 will not include any normative assessment of the adequacy of the funding
11 scheme or any recommendations for reform.
- 12 • The analysis will be limited to the content of the Fish and Game Code.
13 Budget bills, uncodified provisions, and administrative materials will not be
14 included.
- 15 • The analysis will be limited to the funding and duties of the Fish and Game
16 Commission and the Department of Fish and Wildlife. Local entities and
17 other state agencies will not be included.
- 18 • The analysis will not include any assessment of whether specific programs
19 “[relate] to the protection or propagation of fish and game.”

20 The last point is important because existing constitutional and statutory law
21 appear to distinguish between programs that relate to the protection of fish and
22 game and “nongame” programs. Depending on whether a program is a game
23 program or nongame program, it may or may not be eligible to use funds in the
24 Fish and Game Preservation Fund, as opposed to relying on a General Fund
25 appropriation.¹⁰ Drawing an analytical distinction between game and nongame
26 programs will often require an exercise of substantive policy judgment and subject
27 matter expertise that is most appropriately left to the entities charged with

7. See First Supplement to CLRC Staff Memorandum 2017-38 (July 31, 2017).

8. Minutes of August 4, 2017, Commission Meeting, p. 9.

9. See Minutes (Sept. 2017), p. 6 (attached to CLRC Staff Memorandum 2017-47).

10. See Cal. Const. art. XVI, § 9 (“Money collected under any state law relating to the protection or propagation of fish and game shall be used for activities relating thereto.”). See also Sections 711(a)(1) (“The costs of nongame fish and wildlife programs shall be provided annually in the Budget Act by appropriating money from the General Fund, through nongame user fees, and sources other than the Fish and Game Preservation Fund to the department for these purposes.”) & 712 (“It is the intent of the Legislature that the Department of Finance shall not include in the Governor’s Budget any appropriation from the Fish and Game Preservation Fund for any program or project which is not expressly found to be an activity relating to the protection or propagation of fish and game, except to the extent that moneys have been deposited in that fund from collections under a law which is not related to the protection or propagation of fish and game.”).

1 implementing and enforcing the Fish and Game Code. The Commission takes no
2 position on such matters.

3 ORGANIZATION OF PRELIMINARY FINDINGS

4 In conducting its analysis of the funding and expenditure provisions of the Fish
5 and Game Code, the Commission divided its findings into four parts:

- 6 (1) Accounts and Funds
- 7 (2) Revenue Sources Without Specifically-Identified Accounts or Funds
- 8 (3) Programs With Specifically-Identified Funding
- 9 (4) Programs Without Specifically-Identified Funding

10 Each of those parts is set out in a separate table, *infra*. The content of each table is
11 discussed briefly below.

12 **Table 1. Accounts and Funds**

13 Table 1 lists specific funds and accounts established in the Fish and Game
14 Code.¹¹ Funds are accounting structures, used to reserve specific money for a
15 particular purpose. Some funds are subdivided into accounts (some of which are
16 further divided into “subaccounts”). These accounts and subaccounts serve the
17 same purpose as funds, but at a finer level of specificity.

18 For each of the funds and accounts, Table 1 lists Fish and Game Code sections
19 that designate sources of revenue to be deposited into the fund or account,
20 expenditures that may be made from the money on deposit in the fund or account,
21 or both. Those provisions are preceded by the headings “Revenue,”
22 “Expenditures,” and “Linked Revenue and Expenditures,” respectively.

23 In some cases, there are revenue and expenditure provisions that apply to the
24 fund as a whole, as well as revenue and expenditure provisions that apply to
25 particular accounts within the fund. The former provisions are preceded by the
26 heading “Fund Generally.” The latter are preceded by the name of the account.

27 **Table 2. Revenue Sources Without Specifically-Identified Accounts or Funds**

28 Table 2 lists Fish and Game Code provisions that specify a source of revenue,
29 but do not designate a fund or account to be used for the deposit of the revenue.

30 Table 2 does not include provisions that establish a fine or other penalty, unless
31 the provision prescribes a particular use of the resulting revenue. Nor does it
32 include provisions that authorize the receipt of real or tangible personal property,
33 unless the provision authorizes the sale of the property and use of the proceeds as
34 revenue.

11. The Commission recognizes that the Department of Fish and Wildlife has authority to create accounts administratively, and has done so. Such accounts are not included in Table 1.

1 Headings are used to assign the listed provisions to one of the following
2 categories:

- 3 (1) *Revenue*. Provisions listed under this heading identify a source of revenue
4 but do not prescribe how that revenue shall be used.
- 5 (2) *Linked Revenue and Expenditures*. Provisions listed under this heading
6 identify a source of revenue and specifically prescribe how the revenue shall
7 be used.

8 **Table 3. Programs With Specifically-Identified Funding**

9 Table 3 lists programs for which there is a specifically-identified source of
10 funding. The list is organized by subject matter. Each entry includes a brief
11 description of a program, followed by a citation to the Fish and Game Code
12 sections that provide funding for the program.

13 In some cases, funding is specifically identified for a program that is a
14 subordinate element of a larger funded program. In Table 3, such subordinate
15 elements are noted in footnotes.

16 **Table 4. Programs Without Specifically-Identified Funding**

17 Table 4 lists programs for which there is no specifically-identified source of
18 funding. This list is subject to the following caveats and assumptions:

- 19 • *Game programs generally*. Fish and Game Code Section 13220(b) provides
20 that the funds in the Fish and Game Preservation Fund are available for
21 “expenditure in accordance with law for the payment of all necessary
22 expenses incurred in carrying out this code and any other laws for the
23 protection and preservation of birds, mammals, reptiles, amphibians, and
24 fish.” That broad rule is limited by Sections 711(a)(1)¹² and 712,¹³ which

12. Section 711(a)(1) provides: “The costs of nongame fish and wildlife programs shall be provided annually in the Budget Act by appropriating money from the General Fund, through nongame user fees, and sources other than the Fish and Game Preservation Fund to the department for these purposes.”

13. Section 712 provides: “

It is the intent of the Legislature that the Department of Finance shall include in the Governor’s Budget sufficient moneys from the General Fund and sources other than the Fish and Game Preservation Fund to pay the costs of the department’s nongame programs, including those necessary for the protection and enhancement of California’s nongame fish and wildlife and their habitat, the free hunting and fishing license programs, and special repairs and capital outlay.

It is the intent of the Legislature that the Department of Finance shall include in the Governor’s Budget sufficient moneys from the General Fund and sources other than the Fish and Game Preservation Fund to pay the costs of the department’s nongame programs, including those necessary for the protection and enhancement of California’s nongame fish and wildlife and their habitat, the free hunting and fishing license programs, and special repairs and capital outlay.

It is the intent of the Legislature that the Department of Finance shall not include in the Governor’s Budget any appropriation from the Fish and Game Preservation Fund for any program or project which is not expressly found to be an activity relating to the protection or propagation of fish and game, except to the extent that moneys have been deposited in that fund from collections under a law which is not related to the protection or propagation of fish and game.

1 preclude use of funds in the Fish and Game Preservation Fund for
2 “nongame” programs. Thus, it is technically correct to say that a funding
3 source has been designated for every game-related program — the Fish and
4 Game Preservation Fund. However, because the Commission takes no
5 position on the “game” versus “nongame” character of individual programs,
6 programs that may be funded under Section 13220(b) are nonetheless listed
7 in Table 4 if no other specific source of funding has been designated.

- 8 • *Nongame programs generally.* As noted above, “nongame” programs may
9 not be funded from the Fish and Game Preservation Fund. However,
10 Sections 711(a) and 712 provide that the “costs of nongame fish and wildlife
11 programs shall be provided annually in the Budget Act by appropriating
12 money from the General Fund, through nongame user fees, and sources
13 other than the Fish and Game Preservation Fund” and “it is the intent of the
14 Legislature that the Department of Finance shall include in the Governor’s
15 Budget sufficient moneys from the General Fund and sources other than the
16 Fish and Game Preservation Fund to pay the costs of the department’s
17 nongame programs...” Thus, it is technically correct to say that a funding
18 source has been designated for every nongame program — the General
19 Fund, nongame user fees, and sources other than the Fish and Game
20 Preservation Fund. However, because the Commission takes no position on
21 the “game” versus “nongame” character of individual programs, programs
22 that may be funded pursuant to Sections 711(a) and 712 are nonetheless
23 listed in Table 4 if no other specific source of funding has been designated.
- 24 • *Private duties and prohibitions.* Provisions that impose duties and
25 prohibitions on private citizens are not included in the attached table. While
26 the department has general responsibility for enforcing such provisions, it
27 also has funding for its general law enforcement duties.¹⁴
- 28 • *Discretionary authority.* Provisions that simply grant permissive authority,
29 without imposing mandatory duties, do not require a specific grant of
30 funding. Discretionary authority can be exercised, or not, as resources
31 permit. Such provisions are not included in the attached table.
- 32 • *Subordinate programs.* Some programs that do not have a specifically-
33 identified funding source appear to be a subordinate part of a larger program
34 that does have specifically-designated funding. The Commission assumes
35 that these subordinate programs have access to the funding provided for the
36 larger program to which they are related. Consequently, such provisions are
37 not included in Table 4. For example, provisions that govern marine
38 fisheries¹⁵ and fish hatcheries¹⁶ seem to fall within the scope of the general

14. See, e.g., Fish & Game Code §§ 860, 1615(f)(2), 2022(i), 5650.1(h)(2), 12006(b), 12006.6, 12012(g)(1).

15. See, e.g., Fish & Game Code §§ 7050-7090 (Conservation and Management of Marine Living Resources), 7630 (Commercial Fisheries Capacity Reduction Program), 7650-7655 (Magnuson-Stevens Fishery Conservation and Management Act), 7710-7712 (fishery closure or restriction), 8100-8104 (limited entry fisheries), 8110-8114 (far offshore fishing), 8125-8126 (Commercial Fisheries Capacity Reduction Program).

16. See, e.g., Fish & Game Code §§ 1120-1126 (state fish hatcheries), 1170-1175 (private anadromous fish hatcheries), 1200-1206 (cooperative salmon and steelhead rearing facilities), 6400-6403 (fish planting).

1 regulation of sport and commercial fishing.¹⁷ It seems likely that the funding
2 provided for sport and commercial fishing generally would be available for
3 those more specific fishing-related programs as well.

4 In other instances, the Commission was less sure that a program was a
5 subordinate part of a larger funded program. For example, provisions that
6 govern fully protected species, native plants, and wildlife refuges may be
7 subordinate parts of the general program of wildlife conservation, which
8 does have specifically-designated funding.¹⁸ Out of caution, such provisions
9 were included in Table 4.

10 **REQUEST FOR PUBLIC COMMENT**

11 The purpose of this discussion draft is to solicit public comment on the
12 Commission's preliminary findings. **To be considered, comments should be**
13 **submitted by April 30, 2018.** Any comments received will be part of the
14 Commission's public record and will be addressed at a public meeting.

17. See, e.g., Fish & Game Code §§ 711(a)(3) & (5), 8052.

18. See, e.g., Fish & Game Code §§ 711(a)(4), 711.1, 711.4, 1225, 1226(a), 1227, 1355, 1502, 1525, 1763, 1767.5, 1768, 10503(c).

TABLE 1. FUNDS AND ACCOUNTS

Note. This table lists Fish and Game Code sections that refer to revenue, expenditures (or both), in connection with a particular fund, account, or subaccount.

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GENERAL FUND

EXPENDITURES

- § 711(a)(1) The costs of nongame fish and wildlife programs shall be provided annually in the Budget Act by appropriating money from the General Fund, through nongame user fees, and sources other than the Fish and Game Preservation Fund.
- § 712 It is the intent of the Legislature that the Department of Finance shall include in the Governor’s Budget sufficient moneys from the General Fund and sources other than the Fish and Game Preservation Fund to pay the costs of the department’s nongame programs, including those necessary for the protection and enhancement of California’s nongame fish and wildlife and their habitat, the free hunting and fishing license programs, and special repairs and capital outlay.
- § 15512 If aquatic plants or animals are destroyed pursuant to Section 15505(e), the owner shall be promptly paid from the General Fund an amount equal to 75 percent of the replacement value of the plants or animals, less the value determined by the department of any replacement stock provided by the department.

FISH AND GAME PRESERVATION FUND

FUND GENERALLY

REVENUE

- § 1050.8(b)..... Sale of commemorative licenses.

- § 2125(b)..... Civil penalties relating to importation and possession of wild animals.
- § 2150.1 Fees for permits, permit applications, and facility inspections relating to importation and possession of wild animals.
- § 2588 Proceeds from forfeitures relating to illegal take.
- § 5991 Payment by owner of cost to construct fish screen.
- § 8630 Proceeds from sale of forfeited net or trap.
- § 12025(f) Administrative penalties collected pursuant to the section.
- § 12025.1(f) Administrative penalties collected pursuant to the section.
- § 12157.5 Proceeds from sale of forfeited motor vehicle.
- §§ 12160, 12163 Proceeds from sale of seized organisms.
- § 13001 Unless otherwise provided, all money collected under this code or other law that relates to the protection and preservation of birds, mammals, fish, reptiles, or amphibians.
- § 13003 Unless otherwise provided, one half of all fines and forfeitures for violation of this code or other law that provides for the protection and preservation of birds, mammals, fish, reptiles, or amphibians.
- § 13005(a)..... Two-thirds of the proceeds from sale of lifetime hunting and sport fishing licenses and privileges.
- § 13005(b)..... Proceeds from sale of lifetime hunting issued pursuant to Section 3031.2.

EXPENDITURES

- § 103 Commissioner compensation.
- § 1011 Liability insurance.

- § 1502 Feeding animals when natural food unavailable.
- § 5986 Money paid to owner of conduit under specified provisions.
- § 6028 Money paid to owner of conduit under specified provisions.
- § 10502.6(b)..... Prohibition on use of state funds to pay compensation or expenses of Director of the Dana Point Marine Life Refuge.
- § 13220(a)..... Refund of sums erroneously deposited in the fund.
- § 13220(b)..... All necessary expenses incurred in carrying out this code and any other laws for the protection and preservation of birds, mammals, reptiles, amphibians, and fish.
- § 13220(c)..... Compensation and expenses of the commissioners and employees of the commission.

LINKED REVENUE AND EXPENDITURES

- § 1065(d)..... Promotion of conservation nonprofit on ALDS website.
- §§ 1225, 1226(a)..... Gifts or bequests, municipal or county appropriations or donations, used for purposes relating to conservation programs, projects, and activities by the department.
- § 1355 Proceeds from sale of fish hatchery, used for acquisition, enhancement, restoration, or construction projects for the benefit of wildlife
- § 1526.4(d)..... Lease revenue from Lower Sherman Island, used for management of that land.
- § 1609(a)..... Streambed alteration fees, for costs of regulation.
- § 1615(f) Civil penalties relating to streambed alteration, for costs of legal action or law enforcement.

§ 2022(i)	Administrative penalties relating to ivory and rhino horn, for costs of legal action and law enforcement.
§ 2078(b).....	Annual fee on persons requesting mailed notices, for administration of the notice process.
§ 2099.5(d).....	Permit application fees under Endangered Species Act, for expenditure pursuant to Sections 2080.1 and 2081(b).
§ 5650.1(h).....	Civil penalties relating to water pollution, for costs of legal action and law enforcement.
§ 6595	Fees and expenditures for California Ocean Resources Enhancement and Hatchery Program.
§ 6618	Cost savings from the partial removal of an offshore oil structure, for related purposes.
§ 7151(g).....	Appropriation from the General Fund relating to issuance of free sport fishing license, for related purposes.
§§ 7380-7381	Fees for steelhead trout fishing report-restoration cards, for monitoring, restoring, and enhancing steelhead trout resources, and administering card program.
§ 8051.4	Landing fee collected pursuant to former Section 8051.3, solely for the Abalone Resources Restoration and Enhancement Program.
§ 8552.7	Herring permit transfer fee, for research and management to maintain and enhance herring resources.
§§ 8586.1, 8587, 8589.5, 8589.7	Specified fees and fines, for purposes of Nearshore Fisheries Management Act.
§§ 8587, 8589	Specified fees, for preparation of fishery management plan pursuant to Section 7072.

- § 12006(b)..... Proceeds from sale of forfeited commercial fishing gear, for support of Special Operations Unit and law enforcement.
- §§ 12006.6(d),
12012(g)..... Specified fine and forfeiture revenue, for support of Special Operations Unit and law enforcement.
- § 12021(a)..... Additional \$15 added to every assessment, fine, penalty, or forfeiture, for the purposes of Section 13006 (secret witness program).
- § 12025(d)..... Civil penalties collected pursuant to the section, for reimbursement of investigative costs.
- § 12025.1(b)-(c)..... Civil penalties collected pursuant to the section, for reimbursement of investigative costs.

ABALONE RESTORATION AND PRESERVATION ACCOUNT

REVENUE

- § 12009(b)..... One-half of fine or forfeiture for unlawful take of abalone for non-commercial purpose.

LINKED REVENUE AND EXPENDITURES

- § 7149.8, 7149.9 Specified fees, for the Recreational Abalone Management Program.

**BAY-DELTA SPORT FISHING ENHANCEMENT STAMP
“SEPARATE ACCOUNT”**

EXPENDITURES

- § 7364 Prohibition on payment of unrelated payroll costs.

LINKED REVENUE AND EXPENDITURES

- § 7361 Proceeds from sale of Bay-Delta Sport Fishing Enhancement Stamp, for long-

term, sustainable benefit of the primary Bay-Delta sport fisheries.

BIG GAME MANAGEMENT ACCOUNT

REVENUE

§ 13205 The Augmented Deer Tags Account, Bighorn Sheep Permit Account, and Wild Pig Account shall be consolidated and any remaining funds in these accounts transferred to the Big Game Management Account.

LINKED REVENUE AND EXPENDITURES

§ 331(b)-(c) Proceeds from sale of antelope tags, for purposes specified in Section 3955

§ 332(c)-(d) Proceeds from sale of elk tags, for purposes specified in Section 3953.

§ 3953 All revenues from the sale of antelope, elk, deer, wild pig, bear, and sheep tags, including any fundraising tags, for specified purposes.

§§ 4332(e), 4334 Proceeds from sale of deer tags, for purposes specified in Section 3953.

§ 4656 Proceeds from sale of wild pig tags, for purposes specified in Section 3953.

§ 4751 Proceeds from sale of bear tags, for purposes specified in Section 3953.

§ 4902(c)-(d) Proceeds from sale of Nelson bighorn ram tags, for purposes specified in Section 3953.

§ 4903 Proceeds from sale of Nelson bighorn ram tags, for purposes specified in Section 3953.

§ 12013.3(c), (e) Fines imposed pursuant to this section for deer, elk, antelope, and bighorn sheep violations, for purposes specified in Section 3953.

§ 12013.5(b)-(c)..... Fine for specified violation involving bear, for purposes specified in Section 3953.

CALIFORNIA WATERFOWL HABITAT PRESERVATION ACCOUNT

EXPENDITURES

§ 3467 California Waterfowl Habitat Program.

COHO SALMON RECOVERY ACCOUNT

EXPENDITURES

§ 6954(d)..... For purposes of Coho Salmon Habitat Enhancement Leading to Preservation Act.

LINKED REVENUE AND EXPENDITURES

§ 6954(b)..... Donations, for projects and programs that enhance the recovery of coho salmon.

§ 6954(c)..... Project fees, for administration and implementation costs relating to the project.

COMMERCIAL FISHERIES CAPACITY REDUCTION ACCOUNT

LINKED REVENUE AND EXPENDITURES

§ 8125 Capacity reduction fee, to repay fishermen's share of federal loans used in the federal West Coast Groundfish Fishery Capacity Reduction Program.

COMMERCIAL SALMON STAMP DEDICATED SUBACCOUNT

REVENUE

§ 7862.5(f) Sale of salmon-related art.

LINKED REVENUE AND EXPENDITURES

§§ 7861-7861.5 Commercial fishing salmon stamp fees, for salmon restoration and enhancement programs.

DUNGENESS CRAB ACCOUNT

REVENUE

§ 8276.5(b)(3) Monetary judgments for violations of Dungeness crab trap limit program.

LINKED REVENUE AND EXPENDITURES

§ 8276.5(e)-(f) Specified fees, for administering and enforcing Dungeness crab trap limit program.

ENDANGERED AND RARE FISH, WILDLIFE, AND PLANT SPECIES CONSERVATION AND ENHANCEMENT ACCOUNT

REVENUE

§§ 1771-1772 These provisions appear to be obsolete. They refer to funding pursuant to provisions of the Revenue and Taxation Code that no longer exist.

EXPENDITURES

§ 1771 Support of programs for endangered and rare animals and native plant species, related conservation and enhancement programs, and programs for those species which may be candidates for determination as endangered or rare.

§ 1772 Dissemination of information to the public concerning the status of endangered and rare species.

§ 2098 Cost of administration of Endangered Species Act.

LINKED REVENUE AND EXPENDITURES

§ 2081.5(c) Fee paid by surface mining operator, for department's actual costs incurred in

preparing interim management measures and developing and finalizing a memorandum of understanding for the protection of the newly added or newly discovered plant species and for implementation of section.

ENDANGERED SPECIES PERMITTING ACCOUNT

REVENUE

§ 12008.1(b)..... One half of all fines and forfeitures imposed or collected for violating Chapter 1.5 (commencing with Section 2050) of Division 3.

EXPENDITURES

§ 2081.2(g)..... Funds in the account shall be available to the department, upon appropriation by the Legislature, for the purposes of administering and implementing this chapter, except that fee moneys collected pursuant to this section shall only be used for the purposes of this article.

LINKED REVENUE AND EXPENDITURES

§ 2081.2(b)..... Permit application fees for all or a portion of the department's cost of processing permit applications, permit development, and compliance monitoring pursuant to this article.

FISH AND GAME WARDEN STAMP ACCOUNT

LINKED REVENUE AND EXPENDITURES

§ 860 All revenues from sales of Fish and Game Warden Stamp, for support of the department's fish and game wardens.

FISH AND WILDLIFE POLLUTION ACCOUNT

REVENUE

- § 2014(f) Any recovery or settlement of money damages, including, but not limited to, civil penalties, arising out of any civil action filed and maintained by the Attorney General in the enforcement of this section [re unlawful or negligent take or destruction of protected animal].
- § 5656 Any recovery or settlement of money damages, including, but not limited to, civil penalties arising out of any civil action filed and maintained by the Attorney General in the enforcement of this article [re water pollution].
- § 13010 All money in the Fish and Wildlife Pollution Cleanup and Abatement Account on January 1, 1996, shall be transferred to the Fish and Wildlife Pollution Account.
- §§ 13011-13013,
13231 The state portion of any recovery or settlement of money damages received pursuant to any citation or charges brought pursuant to specified sections shall be deposited in specified subaccounts.

EXPENDITURES

- § 12015(c)..... For water pollution clean-up, when other specified funding is unavailable.

LINKED REVENUE AND EXPENDITURES

- § 12017 Any recovery or settlement of money received pursuant to specified sections, for abatement, cleanup, and removal of pollutants from the environment; response coordination, planning, and program management; resource injury determination; resource damage assessment; economic valuation of

resources; restoration or rehabilitation at sites damaged by pollution.

FISHERIES RESTORATION ACCOUNT

EXPENDITURES

- § 2762 Appropriated to the department for expenditure in fiscal years 1991-92 to 1993-94, inclusive, for construction, operation, and administration of projects designated in the plan developed by the department in accordance with the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act (Ch. 8 (commencing with Sec. 6900), Pt. 1, Div. 6), and projects designed to restore and maintain fishery resources and their habitat that have been damaged by past water diversions and projects and other development activities.
- § 2762.5 Administrative costs of the Advisory Committee on Salmon and Steelhead Trout.

HABITAT RESTORATION AND ENHANCEMENT ACCOUNT

LINKED REVENUE AND EXPENDITURES

- § 1655(b)..... The department may enter into an agreement to accept funds from any public agency, person, business entity, or organization to achieve the purposes of this chapter.
- § 1655(c)..... The department shall assess an application fee for a project submitted to the department pursuant to Section 1652 or 1653 consistent with the fees adopted by the department pursuant to Chapter 6 (commencing with Section 1600), but the application fee shall not exceed the reasonable administrative and

implementation costs of the department relating to the project.

HERRING RESEARCH AND MANAGEMENT ACCOUNT

REVENUE

- §§ 8558.1, 8558.2 Proceeds from sale of herring stamps.
- § 8558.2 Proceeds from sale of San Francisco Bay herring permit transfers.
- § 8558.3 One-half of all royalties collected by the department from the roe-on-kelp fishery collected pursuant to 14 Cal. Code Regs. § 164(f)(2).

LINKED REVENUE AND EXPENDITURES

- § 8558 Funds deposited pursuant to Sections 8558.1, 8558.2, and 8558.3, and the funds derived from herring landing fees allocated pursuant to Section 8052(a), for department evaluations of, and research on, herring populations in San Francisco Bay and those evaluations and research that may be required for Tomales Bay, Humboldt Bay, and Crescent City and assisting in enforcement of herring regulations.

LIFETIME LICENSE TRUST ACCOUNT

REVENUE

- § 13005 Specified funds from the sale of lifetime hunting licenses and lifetime hunting privileges issued pursuant to Section 3031.2, and lifetime sport fishing licenses and lifetime privileges issued pursuant to Section 7149.2.

MARINE RESOURCES PROTECTION ACCOUNT

LINKED REVENUE AND EXPENDITURES

§ 8610.9 Any funds remaining in the Marine Resources Protection Account in the Fish and Game Preservation Fund on or after January 1, 1995, for grants to colleges, universities, and other bona fide scientific research groups to fund marine resource related scientific research within the ecological reserves established by Section 8610.14. An amount, not to exceed 15 percent of the total funds remaining in that account on or after January 1, 1995, may be expended for the administration of this section.

NATIVE SPECIES CONSERVATION AND ENHANCEMENT ACCOUNT

REVENUE

§§ 1760, 1761 Donations from persons or organizations for the support of nongame and native plant species conservation and enhancement programs.

§ 1765(b)..... There shall be appropriated in the annual Budget Act from the General Fund, for transfer to the Native Species Conservation and Enhancement Account, a sum equal to two dollars (\$2) for each free annual wildlife area pass issued pursuant to this subdivision during the preceding calendar year.

EXPENDITURES

§ 711(a)(4) The costs of managing lands managed by the department and the costs of wildlife management programs shall be supplemented out of revenues in the Native Species Conservation and Enhancement Account.

§ 1763 Promotion of donations to the account.

LINKED REVENUE AND EXPENDITURES

- § 1745(i) Proceeds from sale of entry permits. To the extent that the department is able to identify the source of the fee revenue collected, the department shall provide no less than 35 percent of the funds generated pursuant to this section to the department-managed lands from which the fee revenues were collected.
- §§ 1767.5, 1768 The revenues from fees and sales under this article and Section 1055.3, for: repayment of any loan to the account from the Fish and Game Preservation Fund; costs of ongoing wildlife management programs incurred at any lands managed by the department alone or cooperatively with other governmental agencies, irrespective of their designation pursuant to Section 1764, that are not adequately funded under subdivision (a) or (c) of Section 711; costs of natural history education and recreational programs and improvements at areas designated pursuant to Section 1764; augmentation of wildlife management programs and acquisition of additional lands at areas designated pursuant to Section 1764.

SHARE ACCOUNT

LINKED REVENUE AND EXPENDITURES

- § 1572(c) User fees, existing hunting and fishing license stamp or tag fees from the Fish and Game Preservation Fund, grants, federal funds, or other contributions from other sources for the purposes set forth in this article. [re SHARE program]. Funds may also be used for wildlife conservation purposes on lands subject to an agreement under the program.

STATE DUCK STAMP ACCOUNT

REVENUE

§ 3701 All funds derived from the sale of state duck hunting validations and state duck stamps, and related items authorized by subdivision (e) of Section 3700 or subdivision (g) of Section 3700.2.

EXPENDITURES

§ 3701 An amount not to exceed 6 percent of the amount annually deposited in the account may be used for administrative overhead related to the use of funds in the account and for implementation of the federal Migratory Bird Harvest Program.

§ 3702 For projects or endowments approved by the commission for the purpose of protecting, preserving, restoring, enhancing, and developing migratory waterfowl breeding and wintering habitat, evaluating habitat projects, and conducting waterfowl resource assessments and other waterfowl related research. These funds may be used to reimburse nonprofit organizations for completed habitat projects. Subject to Section 3704, the department may make grants or enter into contracts with nonprofit organizations for the use of these funds when it finds that the contracts are necessary for carrying out the purposes of this article.

UPLAND GAME BIRD ACCOUNT

LINKED REVENUE AND EXPENDITURES

§ 3684 All funds derived from the sale of upland game bird hunting validations and upland game bird stamps, expended solely for acquiring land, completing

projects and implementing programs to benefit upland game bird species, and expanding public hunting opportunities and related public outreach, including, but not limited to, enhancing upland game bird habitat. The department may also use the funds to pay administrative and enforcement costs of the programs and activities described in this section.

§ 12013.3(d)-(e)..... All revenue from fines imposed pursuant to this section for wild turkey violations, for purposes described in Section 3684.

UNNAMED ACCOUNT (RE AQUACULTURE PROGRAM)

LINKED REVENUE AND EXPENDITURES

§ 15105 All moneys collected by the department pursuant to this division [re aquaculture], shall be expended solely on the department's aquaculture program pursuant to this division.

UNNAMED ACCOUNT (RE CONSERVATION AND MITIGATION BANKING)

REVENUE

§ 1799.1(b)..... Moneys received pursuant to this chapter [re Conservation Bank and Mitigation Bank Applications and Fees].

EXPENDITURES

§§ 711(a)(6),
1799.1(d)..... The costs of a conservation and mitigation banking programs shall be reimbursed from revenues of conservation and mitigation bank application fees imposed pursuant to Sections 1798.5, 1798.6, and 1799.

ANIMAL TRUST FUND

LINKED REVENUE AND EXPENDITURES

§§ 2201-2202 Grants and donations, for care and shelter of mammals for hire.

CALIFORNIA ENERGY EXTENSION SERVICE OF THE OFFICE OF PLANNING AND RESEARCH, REVOLVING LOAN FUND

EXPENDITURES

§ 9100 Fuel conservation assistance program.

CIGARETTE AND TOBACCO PRODUCTS SURTAX FUND

PUBLIC RESOURCES ACCOUNT

EXPENDITURES

§ 2762.6 Advisory Committee on Salmon and Steelhead Trout.

FISH AND WILDLIFE HABITAT ENHANCEMENT FUND

EXPENDITURES

§ 2620 The acquisition, enhancement, or development of lands located outside the coastal zone for the preservation of resources and the management of wildlife and fisheries; acquisition, enhancement, or development of lands for habitat for rare, endangered, and fully protected species; acquisition, enhancement, or development of marshlands and associated and adjacent lands and the development of associated

facilities and for grants to local public agencies for those purposes; acquisition, enhancement, or development inside the coastal zone of marshlands and adjacent lands for habitat for wildlife benefitted by a marsh or aquatic environment.

LINKED REVENUE AND EXPENDITURES

§§ 2640-2651 Bonds in the total amount of eighty-five million dollars (\$85,000,000), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code.

HABITAT CONSERVATION FUND

REVENUE

§ 2795 The Controller shall annually transfer 10 percent of the funds in the Unallocated Account in the Cigarette and Tobacco Products Surtax Fund to the Habitat Conservation Fund.

§ 2796 Funding from specified sources, including the General Fund; the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund, to the extent authorized by the Tobacco Tax and Health Protection Act of 1988; the California Environmental License Plate Fund; the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account in the Fish and Game Preservation Fund; other non-General Fund accounts and funds created by the Legislature or the people for purposes which are consistent with the

purposes of this act; authorized bonds;
the Wildlife Restoration Fund.

EXPENDITURES

- § 2786 The acquisition of habitat, including native oak woodlands, necessary to protect deer and mountain lions; the acquisition of habitat to protect rare, endangered, threatened, or fully protected species; the acquisition of habitat to further implement the Habitat Conservation Program pursuant to Article 2 (commencing with Section 2721) excepting Section 2722 and subdivision (a) of Section 2723, and Sections 2724 and 2729; the acquisition, enhancement, or restoration of wetlands; the acquisition, restoration, or enhancement of aquatic habitat for spawning and rearing of anadromous salmonids and trout resources. (f) The acquisition, restoration, or enhancement of riparian habitat.
- §§ 2787, 2788 Appropriations to specified entities.

HATCHERY AND INLAND FISHERIES FUND

REVENUE

- § 13005(a) One-third of the proceeds from sale of lifetime hunting and sport fishing licenses and privileges.

LINKED REVENUE AND EXPENDITURES

- § 13007 One-third of the proceeds from sale of specified sport fishing licenses, for management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout program, related enforcement activities, and other activities eligible to be funded

from revenue generated by sport fishing license fees.

OAK WOODLANDS CONSERVATION FUND

REVENUE

§ 1363 Funds from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (the Villaraigosa-Keeley Act (Chapter 1.692 (commencing with Section 5096.300) of Division 5 of the Public Resources Code)), but not including funds dedicated as matching funds for the federal Forest Legacy Program.

LINKED REVENUE AND EXPENDITURES

§ 1363 Gifts, donations, funds appropriated by the Legislature for the purposes of this article, or from federal grants or loans or other sources, for the purpose of implementing this article [re conservation of oak woodlands], including specified purposes and administrative costs.

§ 1364 Money in the fund shall be available to local government entities, park and open-space districts, resource conservation districts, private landowners, and nonprofit organizations for the purposes set forth in Section 1363(d).

RENEWABLE ENERGY RESOURCES DEVELOPMENT FEE TRUST FUND

LINKED REVENUE AND EXPENDITURES

§ 2099 Fees and other moneys received for mitigation under Section 2069 [re Desert Renewable Energy Conservation Plan], solely for the purposes of that section,

applicable permit or certification requirements for eligible projects, and any contractual agreement between the Energy Commission or department and the owner or developer of an eligible project.

SALTON SEA RESTORATION FUND

REVENUE

§ 2081.7(c)(4)-(6) Proceeds from specified water sales.

EXPENDITURES

§ 2932 Environmental and engineering studies related to the restoration of the Salton Sea and the protection of fish and wildlife dependent on the sea; implementation of conservation measures necessary to protect the fish and wildlife species dependent on the Salton Sea, including adaptive management measurements pursuant to Section 2081.7. These conservation measures shall be limited to the Salton Sea and lower Colorado River ecosystems, including the Colorado River Delta; implementation of the preferred Salton Sea restoration alternative; administrative, technical, and public outreach costs related to the development and selection of the preferred Salton Sea restoration alternative.

§ 2932.5 Moneys deposited in the fund shall not be expended for mitigation except for mitigation undertaken by the State of California.

SPECIAL DEPOSIT FUND

FISH AND GAME MITIGATION AND PROTECTION ENDOWMENT PRINCIPAL ACCOUNT

LINKED REVENUE AND EXPENDITURES

§ 13014(a)(1), (b)..... Endowment funds received by the department pursuant to specified types of agreements and all earnings generated from those funds. The earnings shall be available to the department, upon appropriation by the Legislature, to fund long-term management, enhancement, monitoring, and enforcement activities on habitat lands in a manner consistent with the terms of the underlying agreement.

FISH AND GAME MITIGATION AND PROTECTION EXPENDABLE FUNDS ACCOUNT

LINKED REVENUE AND EXPENDITURES

§ 13014(a)(2), (b)..... Funds received by the department pursuant to specified types of agreements that are not endowments and are designated for expenditure, for: mitigating the adverse biological impacts of a specific project, activity, spill, or release; protecting, conserving, restoring, enhancing, managing, and maintaining fish, wildlife, native plants, or their habitats.

UPPER NEWPORT BAY ECOLOGICAL RESERVE MAINTENANCE AND PRESERVATION FUND

EXPENDITURES

§ 1586 The maintenance and preservation of the Upper Newport Bay Ecological Reserve.

WILDLIFE AND NATURAL AREAS CONSERVATION FUND

EXPENDITURES

§ 2728 Specified expenditures in the 1988-89
through 1998-99 fiscal years.

LINKED REVENUE AND EXPENDITURES

§ 2720 Moneys available for the purposes of this
chapter pursuant to Chapter 4
(commencing with Section 5930) of
Division 5.8 of the Public Resources
Code, for specified programs, including:
preservation of highly rare examples of
the state's natural diversity through the
acquisition, enhancement, restoration, or
protection of lands supporting
California's unique, fragile, threatened,
or endangered plants, animals, and
natural communities; acquisition,
enhancement, restoration, or protection
of critical habitat areas for fish, game
mammals, and game birds; acquisition,
enhancement, restoration, or protection
of lands providing habitat for threatened,
endangered, or fully protected species.

WILDLIFE RESTORATION FUND

FUND GENERALLY

REVENUE

§§ 1348,
1350(b)-(c)..... Federal grants, gifts, donations,
subventions, rents, royalties, and other
financial support from public or private
sources; proceeds from specified sales,
leases, rentals, and other transactions.

EXPENDITURES

- § 1322 Travel expenses of Wildlife Conservation Board members.
- § 1350(c) Grants or loans to nonprofit organizations, local governmental agencies, federal agencies, and state agencies for the purposes of fish and wildlife habitat restoration, enhancement, management, protection and improvement of riparian resources, and for development of compatible public access facilities.
- § 1352 Expenditure under any provision of the Wildlife Conservation Law of 1947.

LINKED REVENUE AND EXPENDITURES

- § 1355 Proceeds from sale of fish hatchery, used for acquisition, enhancement, restoration, or construction projects for the benefit of wildlife.
- § 1745.1 Proceeds from agricultural leases on department-managed lands, for management, maintenance, restoration, and operations of department-managed lands.

**SAN FRANCISCO BAYLANDS RESTORATION PROGRAM
ACCOUNT**

EXPENDITURES

- § 1352.5 Acquiring and restoring wetlands and lands that may be enhanced to support wetlands in the San Francisco Bay area in order to achieve the objectives of the Baylands Ecosystem Habitat Goals Report (Goals Report).

**UNNAMED ACCOUNT [RE ACQUISITION OF CARGILL
PROPERTY]**

LINKED REVENUE AND EXPENDITURES

§ 1352.5 If the board determines to acquire all or a portion of the Cargill property, a matching federal appropriation for the acquisition of the Cargill property shall be deposited into an account solely for the acquisition of the Cargill property or a portion thereof.

**UNNAMED FUND [RE ARTIFICIAL
PROPAGATION OF FISH]**

LINKED REVENUE AND EXPENDITURES

§ 6590 Funding for research pertaining to enhancement and artificial propagation, rearing, and stocking are most appropriately borne by a special fund derived from user fees on recreational and commercial fishermen who stand to directly benefit from the resurgence of depressed marine fisheries.

**UNNAMED FUND [RE INLAND WETLANDS
CONSERVATION PROGRAM]**

REVENUE

§ 1415 Proceeds from any lease, rental, sale, exchange, or transfer of land, or any interest therein, or option thereon, acquired pursuant to this chapter for the purposes of carrying out the program.

§ 1416 Proceeds from repayment of specified loans and the interest thereon.

§ 1417 Proceeds from specified lease or rental and interest thereon.

- § 1418 Proceeds from specified sales or exchanges.
- § 1419 Any funds remaining after an eligible acquisition, restoration, or enhancement of any project under this article.

EXPENDITURES

- § 1416 Grants or loans to nonprofit organizations, local governmental agencies, and state departments and agencies for the purpose of wetland and associated upland habitat acquisition, restoration, or enhancement.
 - § 1430 The money in the fund shall be solely used to carry out the Inland Wetlands Conservation Program, including the administrative costs of the program.
 - § 1431 All allocations made to the Wildlife Conservation Board pursuant to Section 2791(f).
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TABLE 2. REVENUE WITHOUT DESIGNATED FUND OR ACCOUNT

Note. This table lists Fish and Game Code sections that refer to a source of revenue that is not expressly connected to a particular fund, account, or subaccount. Where that revenue source has been tied to a particular type of expenditure, that has been noted.

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ADMINISTRATION

LINKED REVENUE AND EXPENDITURES

§ 1050.5 Surcharge to cover cost of accepting credit card as form of payment.

LAW ENFORCEMENT

LINKED REVENUE AND EXPENDITURES

§ 716.8 Donations to Wildlife Violator Compact board.

§ 857(f) Fee for copy of specified inspection report.

§ 859 Donations for administration of K9 program.

HUNTING, TRAPPING, AND SPORT FISHING

LICENSING

REVENUE

§ 329 Special season license.

§ 396 Falconry license.

§ 1053.1 Fee for replacement of lost license or other validation.

§§ 1055.6(d), 1059 Late fees for license agent remittance.

§ 1061 License vouchers.

§ 2536 Guide license.

§ 3031 Hunting License.

§ 3032 Hound tag fee.

§ 3033 Reduced fee hunting license.

§ 3063 Colorado River hunting license.

§ 3242 Commercial hunting club license.

§§ 3300, 3308,

- § 3309 License to raise and/or release domesticated migratory game birds for shooting; inspection fee; seal.
- § 4006 Trapping license.
- § 7149.05 Sport fishing license.
- § 7149.45 Second rod sport fishing validation.
- § 7150 Reduced fee sport fishing license.
- § 7180.1 Colorado River special use validation.
- § 7186.1 California special use validation.

MISCELLANEOUS

LINKED REVENUE AND EXPENDITURES

- § 1575 Fee for management and control of Cooperative Hunting Areas.
- § 2003 Permit fee for game fish contests.

COMMERCIAL FISHING

IMPORTATION

LINKED REVENUE AND EXPENDITURES

- § 1068 Importer payment, for cost to inspect imported yellowtail, barracuda, and white seabass.
- § 2365 Importer payment, for cost to inspect imported spiny lobsters.
- § 2369 Importer payment, for cost to inspect imported pismo clams.

LANDING FEES

LINKED REVENUE AND EXPENDITURES

- §§ 8041, 8052, 8056 Landing fees, for administration of laws relating to commercial fishing and other specified purposes.

LICENSES

REVENUE

§ 7852.2	Commercial fishing license late renewal fee.
§ 7852.25	Bad check charges paid by commercial fishing license applicant.
§ 7892	Aircraft registration.
§ 7921	Commercial passenger fishing boat license.
§ 8033	Fish receiver's license.
§ 8033.2	Marine aquaria receiver's license.
§ 8033.5	Fisherman's retail license.
§ 8034	Fish processor's license.
§ 8035	Fish wholesaler's license.
§ 8036	Fish importer's license.
§ 8598.3	Marine aquaria collector's permit.
§ 9001	General trap permit.

LINKED REVENUE AND EXPENDITURES

§ 7852	Commercial fishing license, for license-related administration and implementation costs.
§ 7881	Commercial boat registration, for registration-related administration and implementation costs.
§ 8032	Commercial fish business license, for license-related administration and implementation costs.

MARINE FISHERIES

REVENUE

§ 7082	Fee as element of fishery management plan.
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LINKED REVENUE AND EXPENDITURES

§ 7060	Grants, for marine fisheries management research.
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§ 7090(f) Fee, for cost of regulating emerging fisheries.

MARKETING

LINKED REVENUE AND EXPENDITURES

§ 1069 Fee for cost of collecting and remitting sea food marketing council assessments.

NETS

REVENUE

§§ 8561.5, 8564 Drift gill net for shark and swordfish permit transfer fees.

§ 8567 Drift gill net for shark and swordfish permit fee.

§§ 8610.5, 8610.6 Permit to use gill or trammel net in the Marine Resources Protection Zone.

§§ 8681.5, 8683 Gill and trammel net permit renewal and transfer fees.

LINKED REVENUE AND EXPENDITURES

§ 8601.5 Owner payment of cost of recovery of lost net.

§ 8610.12 “Commercial fishing industry” shall bear the cost of specified monitoring program.

**WILDLIFE POSSESSION, PROPAGATION,
DOMESTICATION, AND SALE**

REVENUE

§ 1004 Sale of birds and mammals to game domestication businesses.

§ 3203 Domesticated game breeder’s license.

§§ 4031, 4033 Fur dealer license.

LINKED REVENUE AND EXPENDITURES

- § 2189 Owner payment of costs of seizure, care, holding, transfer, and destruction of unlawful non-native wild animal.
- § 6425 In addition to specified funds, revenue for artificial reef program may be drawn from California Environmental License Plate Fund, recreational bond act funds, federal grants-in-aid, county fish and game propagation funds, and private donations.

BIRDS

CALIFORNIA CONDOR

LINKED REVENUE AND EXPENDITURES

- § 3857 If available, private sector and federal funds, for purposes of chapter.

FISH

HALIBUT

LINKED REVENUE AND EXPENDITURES

- § 8494(e)..... California halibut bottom trawl vessel permit fee, for cost of administering section.

HERRING

REVENUE

- § 8389 Herring license and royalties.
- § 8550.5 Herring net permit.

LIVE FRESHWATER BAIT FISH

REVENUE

§ 8461 Live freshwater bait fish license.

SALMON

REVENUE

§§ 8233.4, 8239 Transfer of commercial salmon vessel permit.

LINKED REVENUE AND EXPENDITURES

§ 7861.4 Funds appropriated pursuant to Public Resources Code Section 5907(e)(1)(A), for certain programs and projects restoring, enhancing, and protecting salmon streams.

§ 8235 Renewal of commercial salmon vessel permit, for costs of administering article.

§ 8244 Application for new, original commercial salmon vessel permit, for costs of administering the issuance of new, original permits.

STURGEON

REVENUE

§ 10001 Sturgeon egg processing license fee.

SWORDFISH

REVENUE

§§ 8394, 8394.5 Swordfish permit fee.

TROUT

LINKED REVENUE AND EXPENDITURES

§ 8431 Payment of cost of inspection and tagging of Dolly Varden and steelhead trout from outside California that are possessed or sold in the state.

INVERTEBRATES

ABALONE

LINKED REVENUE AND EXPENDITURES

§ 5522(c) Abalone stamp fee, for preparation of
abalone recovery and management plan.

CRAB

LINKED REVENUE AND EXPENDITURES

§ 8276.2 Proceeds from sale of Dungeness crab
meat collected in quality testing
program, for program costs.

§ 8276.4(e) Grant from Ocean Protection Council,
for department staff costs associated with
Dungeness crab task force.

§§ 8280.1, 8280.6 Dungeness crab vessel permit, for
reasonable costs of regulation.

§ 9002.5 Dungeness crab trap retrieval permit and
fees, for reasonable regulatory costs of
the program and compensation of person
retrieving traps.

LOBSTER

REVENUE

§ 8254 Lobster permit fee.

MOLLUSKS

REVENUE

§ 1010 Royalty for native mollusks moved for
purification for human consumption.

SEA CUCUMBERS

REVENUE

§ 8405.1 Permit fee.

§ 8405.2 Permit transfer fee.

SEA URCHINS

REVENUE

§§ 9054, 9055 Sea urchin permit fee.

LINKED REVENUE AND EXPENDITURES

§ 5702 Revenue received pursuant to former
Section 8051.1(b), for grant to sea urchin
divers association.

SQUID

LINKED REVENUE AND EXPENDITURES

§ 8428 Fee for commercial market squid vessel
permit and commercial squid light boat
owner's permit, for management of the
market squid fishery.

PLANTS

KELP

REVENUE

§ 6651 Harvest permit.

§ 6680 Royalty.

§ 6707 Kelp bed lease revenue.

WILDLIFE CONSERVATION

CONSERVATION GENERALLY

REVENUE

§ 711.7 Federal payment of state filing and
permit fees.

§ 12159.5 Forfeiture of proceeds from unlawful take of endangered, threatened, of fully protected species.

LINKED REVENUE AND EXPENDITURES

§ 711.1 Federal Aid in Wildlife Restoration Act, for specified purposes.

§ 1227 Donations for support of conservation programs generally.

§ 1525 Donations, for propagating, feeding and protecting birds, mammals, and fish.

§ 10503(c)..... Donations, for propagating, feeding, and protecting birds, mammals, fish, amphibians, and reptiles.

AQUATIC NUISANCE SPECIES

LINKED REVENUE AND EXPENDITURES

§§ 12023, 12024 Payment by person who unlawfully releases aquatic nuisance species, for damages and response costs.

RESEARCH AND EDUCATION

REVENUE

§§ 1002, 1002.5 Scientific and educational take permit.

LINKED REVENUE AND EXPENDITURES

§ 1005 Donations and admission fees, for educational events.

HABITAT CONSERVATION AND ENHANCEMENT

GENERALLY

REVENUE

§ 1010 Grazing permits.

CALIFORNIA WATERFOWL HABITAT PROGRAM

REVENUE

§§ 3461, 3465 Refunds due under contracts for waterfowl conservation area.

INLAND WETLANDS CONSERVATION PROGRAM

LINKED REVENUE AND EXPENDITURES

§ 1411 Funds allocated pursuant to Section 2791(f), for Inland Wetlands Conservation Program.

§ 1412 Grants, gifts, donations, subventions, rent, royalties, and other financial support from public and private sources, for Inland Wetlands Conservation Program.

SALTON SEA

LINKED REVENUE AND EXPENDITURES

§ 2081.7(d)(3) Funds from Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, for adaptive management program in connection with implementation of Quantification Settlement Agreement.

§ 2081.7(e)(2)(d) Specified funding sources, for implementation of “preferred alternative” restoration strategy.

§ 2932.2 Specified funds pursuant to Water Code Section 79565, for restoration activities.

WILDLIFE AREAS AND RANGES

REVENUE

§ 1585 Ecological reserve use fee.

LINKED REVENUE AND EXPENDITURES

- § 1500 Proceeds of sale of land in area or range, for purchase of land adjacent to area or range.
- § 1525 Donations, for establishing wildlife management areas or public shooting grounds.
- § 1528 Fee for use of public shooting grounds, state marine (estuarine) recreational management areas, or wildlife management areas, for costs associated with multiple use.

WILDLIFE HABITAT ENHANCEMENT AND MANAGEMENT AREAS

LINKED REVENUE AND EXPENDITURES

- § 3402 License fees, for administration of program.
- § 3407 Tag fees, for administration of program.

WILDLIFE MANAGEMENT AND CONSERVATION AREAS

LINKED REVENUE AND EXPENDITURES

- § 1005 License fee, for costs of administration.

REGULATION OF ACTIVITIES THAT AFFECT WILDLIFE

PLANNING GENERALLY

LINKED REVENUE AND EXPENDITURES

- § 711.4 CEQA project fees, for cost of managing and protecting fish and wildlife trust resources.
- § 1857 Fee or other compensation, for costs of administering mitigation credit agreement, regional conservation

	investment strategy, or a regional conservation assessment.
§ 1930.5	Funds available from Public Resources Code Section 75055 or from other appropriate bond funds, for study of wildlife corridors and habitat linkages.
§ 1932	Grants, cost-sharing, and use fees for administration of Significant Natural Areas Program.

CANNABIS CULTIVATION

LINKED REVENUE AND EXPENDITURES

§ 12029	Enhanced fee for streambed alteration related to cannabis cultivation, for costs of remediation.
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FISH SCREENS AND CONDUITS

LINKED REVENUE AND EXPENDITURES

§ 5985	Owner return of surplus funds advanced for construction of conduit.
§ 5992	Owner payment of one-half of conduit maintenance costs.

GRASS CARP MANAGEMENT

LINKED REVENUE AND EXPENDITURES

§ 6454	Permit and inspection fees, for initial and ongoing costs of the program.
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OFFSHORE OIL STRUCTURES

LINKED REVENUE AND EXPENDITURES

§ 6603(e)	Gifts, subventions, grants, rebates, reimbursements, and subsidies from any lawful source, for the planning, development, maintenance, and operation of an offshore oil structure transferred to the department.
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- § 6612(b)..... Financial assurances from applicant to guarantee adequate funds for required activities relating to offshore oil structure.
- § 6616(e)..... Applicant payments, for overall management of offshore oil structure by the department.

**SACRAMENTO-SAN JOAQUIN VALLEY WETLANDS
MITIGATION BANK ACT OF 1993**

LINKED REVENUE AND EXPENDITURES

- § 1786 Trust or bond in favor of the department that provides sufficient funds to ensure administration, protection, operation, and maintenance in perpetuity of the wetland habitat acreage and values, if the operator defaults in performing the duties.
- § 1792.5 Reimbursement of department costs.

SUCTION DREDGING

LINKED REVENUE AND EXPENDITURES

- § 5653 Permit fee, for regulation of suction dredging.

WATER POLLUTION

LINKED REVENUE AND EXPENDITURES

- § 12016 Polluter payment of actual damages and reasonable clean-up costs.
-

TABLE 3. PROGRAMS WITH SPECIFICALLY-DESIGNATED FUNDING

Note. This table lists Fish and Game Code sections that establish a program for which there is a specifically-designated funding source. Where separate funding has been provided for a subordinate part of the program, the subordinate provision is noted in a footnote.

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AQUATIC NUISANCE SPECIES RESPONSE	3
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GENERAL ADMINISTRATION

FISH AND GAME COMMISSION COMPENSATION

§§ 103, 13220(c)

DEPARTMENT-MANAGED LANDS

§§ 711(a)(4), 1745(i), 1745.1

LICENSING GENERALLY

§ 1050(f) ¹

LAW ENFORCEMENT AND LEGAL ACTION GENERALLY

§§ 860, 1615(f)(2), 2022(i), 5650.1(h)(2), 12006(b), 12006.6,
12012(g)(1) ²

HUNTING AND FISHING

HUNTING AND SPORT FISHING GENERALLY

§ 711(a)(3) & (5) ³

COMMERCIAL FISHING INDUSTRY

§ 8052 ⁴

1. Funding is also specifically designated for the following subordinate element: nonprofit group advertisement on ALDS (§ 1065).

2. Funding is also specifically designated for the following subordinate elements: Wildlife Violator Compact (§ 716.8(e)), secret witness program (§ 12021(a)).

3. Funding is also specifically designated for the following subordinate elements: Black Bass management program (§ 1742), Bay-Delta sport fishing (§ 7361), upland game birds (§§ 3684, 12013.3(d)), migratory waterfowl (§§ 3701-3702), game mammals (§§ 331, 3953, 4332(e), 4334(c), 4656, 4751, 4902(c), 4903, 12013.3(c), 12013.5(b)), steelhead trout (§§ 7380-7381, 8431), abalone (§§ 7149.8, 7149.9).

4. Funding is also specifically designated for the following subordinate elements: emerging fisheries (§ 7090(f)), sea urchin grant (§ 1068), commercial salmon fishing (§§ 7861-7861.5, 8235, 8244), fish-related business licensure (§ 8032(c)), abalone (§ 8051.4), Dungeness Crab (§§ 8276.2(b)(2), 8276.4(e), 8276.5(e)-

TROUT AND STEELHEAD CONSERVATION AND MANAGEMENT
PLANNING ACT OF 1979

§ 1726.5

ANADROMOUS FISHERIES

§§ 2762, 2762.5, 2762.6

ARTIFICIAL REEFS

§ 6425

OCEAN FISHERY RESEARCH

§ 6590(c)

MARINE RESOURCE RESEARCH

§ 8610.9

**DOMESTICATION AND IMPORTATION OF
WILDLIFE**

AQUACULTURE

§ 15105

REGULATION OF DOMESTICATED MIGRATORY GAME BIRD
FACILITIES

§ 3308

REGULATION OF WILD ANIMAL IMPORTATION AND POSSESSION

§§ 2125, 2150.2, 2189

(f), 8280.1, 8280.6, 9002.5), market squid fishery (§ 8428), halibut bottom trawling (§ 8494(e)), herring (§§ 8552.7, 8558), marine aquaria pet trade (§ 8598.3).

MAMMALS USED FOR HIRE

§§ 2201-2202

AQUATIC NUISANCE SPECIES RESPONSE

§ 12024

SPECIFIC KINDS OF WILDLIFE

CONTROL OR ERADICATION OF PREDATORY BIRD

§ 3802

CALIFORNIA CONDOR

§ 3857

GRASS CARP

§ 6454

ABALONE

§ 5522(c)

KELP HARVEST LICENSING

§ 6651(a)-(b)

WILDLIFE AND HABITAT CONSERVATION

WILDLIFE AND HABITAT CONSERVATION GENERALLY

§§ 711(a)(4), 711.1, 711.4, 1225, 1226(a), 1227, 1355, 1502, 1525, 1763, 1767.5, 1768, 10503(c)

WILDLIFE CORRIDOR IDENTIFICATION

§ 1930.5

SIGNIFICANT NATURAL AREA MAPPING

§ 1932(e)

WILDLIFE CONSERVATION LAW OF 1947

§§ 1352, 2620(a)-(b), (d) ⁵

HABITAT RESTORATION AND ENHANCEMENT ACT

§ 1655

FISH AND WILDLIFE HABITAT ENHANCEMENT ACT OF 1984

§§ 2621, 2640-2651

WILDLIFE AND NATURAL AREAS CONSERVATION PROGRAM

§§ 2720, 2728

CALIFORNIA WILDLIFE PROTECTION ACT OF 1990

§§ 2786, 2796

NATIVE SPECIES CONSERVATION AND ENHANCEMENT

§§ 1767.5, 1770-1772

WILDLIFE REHABILITATION

§ 1773.1

SHARED HABITAT ALLIANCE FOR RECREATIONAL
ENHANCEMENT PROGRAM

§ 1572(c)

5. Funding is also specifically designated for the following subordinate elements: Wildlife Conservation Board (§§ 1322, 1350), San Francisco Baylands Restoration Program (§ 1352.5), Oak Woodlands Conservation Act (§ 1363).

ENHANCEMENT AND MANAGEMENT OF FISH AND WILDLIFE
AND THEIR HABITAT ON PRIVATE LANDS

§ 3402(b)

CALIFORNIA WATERFOWL HABITAT PROGRAM

§ 3467

SALTON SEA RESTORATION

§§ 2932-2932.5

INLAND WETLANDS CONSERVATION PROGRAM

§§ 1411-1412, 1416, 1430, 1431

WILDLIFE MANAGEMENT AREAS

§§ 1525, 1526.4, 1528, 1575, 1745

UPPER NEWPORT BAY ECOLOGICAL RESERVE

§ 1586

CALIFORNIA ENDANGERED SPECIES ACT

§§ 2081.2(g), 2098, 2099.5 ⁶

**REGULATION OF ACTIVITIES THAT AFFECT
WILDLIFE**

NATURAL COMMUNITY CONSERVATION PLANNING ACT

§ 2829

6. Funding is also specifically designated for the following subordinate elements: notice mailing costs (§ 2078), permit processing costs (§ 2081.2(b)-(d)), surface mining (§ 2081.5).

ADVANCE MITIGATION AND REGIONAL CONSERVATION
INVESTMENT STRATEGIES

§ 1857

CONSERVATION AND MITIGATION BANKING

§§ 711(a)(6), 1799.1⁷

POLLUTION CLEAN-UP AND RESPONSE

§§ 12015(c), 12016, 12017, 13230

FISHING CLOSURE IN RESPONSE TO POLLUTION

§ 5654(h)

CALIFORNIA MARINE RESOURCES LEGACY ACT

§§ 6603, 6612(b), 6616(e), 6618

UNLAWFUL WATER OBSTRUCTION IN SPECIFIED DISTRICTS

§ 12025.1(c)

CONDUITS AND SCREENS

§§ 5986, 6028

STREAMBED ALTERATION

§ 1609

SUCTION DREDGING

§ 5653(d)

7. Funding is also specifically designated for the following subordinate elements: Sacramento-San Joaquin Valley Wetlands Mitigation Bank (§§ 1786(b)(3)(B), 1792.5).

CANNABIS CULTIVATION

§ 12029

MANAGEMENT OF WILDLIFE AT PUBLIC USE AIRPORT

§ 3472.2

TABLE 4. PROGRAMS WITHOUT SPECIFICALLY-DESIGNATED FUNDING

Note. This table lists Fish and Game Code sections that establish a program for which there is no specifically-designated funding source.

CONTENTS

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SCIENCE INSTITUTE	1
STRATEGIC PLANNING	1
INTER-JURISDICTIONAL COOPERATION	1
FEDERAL WILDLIFE-RESTORATION PROJECTS	1
ANNUAL REVIEW OF ACTIVITIES ON MILITARY LANDS	1
FEDERAL MIGRATORY BIRD CONSERVATION ACT	1
PACIFIC MARINE FISHERIES COMPACT	1
DOMESTICATION AND IMPORTATION OF WILDLIFE	2
DOMESTICATED GAME BREEDING	2
IMPORTATION OF AQUATIC PLANTS AND ANIMALS	2
BIRDS	2
CONTROL OF HARMFUL BIRDS	2
AVIAN INFLUENZA WILDLIFE SURVEILLANCE	2
PERMITTED FEEDING OF MIGRATORY WATERFOWL	2
REGULATION OF FALCONRY	2
REGULATION OF FULLY PROTECTED BIRDS	2
MAMMALS	2
CAPTURE OR DISPATCH OF UNCONTROLLED DOG PURSUING WILDLIFE	2
CONTROL OF HARMFUL MAMMALS	3
DISEASE CONTROL	3
FULLY PROTECTED MAMMALS	3
MOUNTAIN LIONS	3
FISH	3
DISEASE CONTROL	3
FULLY PROTECTED FISH	3
INVERTEBRATES	3
MONARCH BUTTERFLY CONSERVATION	3

Table 4. Programs Without Specifically-Designated Funding • February 26, 2018

CONTROL OF DREISSENIID MUSSELS	3
AMPHIBIANS	4
DISEASE CONTROL	4
FULLY PROTECTED AMPHIBIANS	4
NATIVE AMPHIBIANS	4
CONTROL OF HARMFUL FROGS	4
REPTILES	4
FULLY PROTECTED REPTILES	4
NATIVE REPTILES	4
TORTOISES	4
PLANTS	4
DISEASE CONTROL	4
NATIVE PLANTS	5
KELP AND AGAR-BEARING MARINE PLANTS	5
HABITAT CONSERVATION AND ENHANCEMENT	5
CALIFORNIA RIPARIAN HABITAT CONSERVATION PROGRAM	5
ADOPT A LAKE	5
PROTECTED AND MANAGED AREAS	5
GAME REFUGES	5
REGULATION OF SPECIFIC REFUGES	5
MARINE LIFE PROTECTION ACT	5
MARINE MANAGED AREAS	5
ECOLOGICAL RESERVES	5
SPAWNING AREAS	6
WATERING PLACES	6
WATER OBSTRUCTION	6
WATER OBSTRUCTIONS GENERALLY	6
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GENERAL DEPARTMENT DUTIES

DISEASE INSPECTION

§ 1008

BIOLOGICAL RESEARCH

§ 1000

SCIENCE INSTITUTE

§ 715

STRATEGIC PLANNING

§ 1020

INTER-JURISDICTIONAL COOPERATION

FEDERAL WILDLIFE-RESTORATION PROJECTS

§ 400

ANNUAL REVIEW OF ACTIVITIES ON MILITARY LANDS

§ 3453

FEDERAL MIGRATORY BIRD CONSERVATION ACT

§ 10682

PACIFIC MARINE FISHERIES COMPACT

§§ 14000-14002

DOMESTICATION AND IMPORTATION OF WILDLIFE

DOMESTICATED GAME BREEDING

§§ 3200-3219

IMPORTATION OF AQUATIC PLANTS AND ANIMALS

§§ 2270-2272

BIRDS

CONTROL OF HARMFUL BIRDS

§§ 4181, 4188

AVIAN INFLUENZA WILDLIFE SURVEILLANCE

§§ 3860-3863

PERMITTED FEEDING OF MIGRATORY WATERFOWL

§ 3806

REGULATION OF FALCONRY

§§ 395, 398

REGULATION OF FULLY PROTECTED BIRDS

§ 3511

MAMMALS

CAPTURE OR DISPATCH OF UNCONTROLLED DOG PURSUING WILDLIFE

§ 3960

CONTROL OF HARMFUL MAMMALS

§§ 4153, 4181-4190

DISEASE CONTROL

§ 4011

FULLY PROTECTED MAMMALS

§ 4700

MOUNTAIN LIONS

§§ 4800-4810

FISH

DISEASE CONTROL

§§ 6300-6306

FULLY PROTECTED FISH

§ 5515

INVERTEBRATES

MONARCH BUTTERFLY CONSERVATION

§ 1021

CONTROL OF DREISSENID MUSSELS

§ 2301

AMPHIBIANS

DISEASE CONTROL

§§ 6300-6306

FULLY PROTECTED AMPHIBIANS

§ 5050

NATIVE AMPHIBIANS

§§ 6895-6896

CONTROL OF HARMFUL FROGS

§ 6855

REPTILES

FULLY PROTECTED REPTILES

§ 5050

NATIVE REPTILES

§§ 5060-5061

TORTOISES

§§ 5000-5002

PLANTS

DISEASE CONTROL

§§ 6300-6306

NATIVE PLANTS

§§ 1900-1913, 1925-1926

KELP AND AGAR-BEARING MARINE PLANTS

§§ 6652-6751

HABITAT CONSERVATION AND ENHANCEMENT

CALIFORNIA RIPARIAN HABITAT CONSERVATION PROGRAM

§§ 1385-1391

ADOPT A LAKE

§§ 2003.5-2003.6

PROTECTED AND MANAGED AREAS

GAME REFUGES

§§ 10500-10514

REGULATION OF SPECIFIC REFUGES

§§ 10650-10667, 10711

MARINE LIFE PROTECTION ACT

§§ 2850-2863

MARINE MANAGED AREAS

§§ 1590-1591

ECOLOGICAL RESERVES

§§ 1580-1585, 1587

SPAWNING AREAS

§ 1505

WATERING PLACES

§ 308.5

WATER OBSTRUCTION

WATER OBSTRUCTIONS GENERALLY

§ 5948

FISHWAYS

§§ 5931, 5932, 5937, 5938

REVIEW OF EXISTING DAMS

§ 5930

REVIEW OF PROPOSED NEW AND ENLARGED DAMS

§ 5933

DIVERSION OF WATER DELETERIOUS TO SALMON OR
STEELHEAD

§ 6100

MINING

MINING MITIGATION PLANS

§§ 3005, 3800 (But see Sections 3800(b)(4), 4005(b)(5), (mining operator to pay certain notice costs)).

FORESTRY

REVIEW OF TIMBER HARVEST PLANS

§ 703(b)
