

#R-100

STATE OF CALIFORNIA

# CALIFORNIA LAW REVISION COMMISSION

Pre-Print RECOMMENDATION

Fish and Game Law: Technical Revisions and Minor  
Substantive Improvements (Part 3)

**Note:** This is a pre-print report. The Law Revision Commission has approved the substance of this report, but minor editorial changes may be made prior to final publication.

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California Law Revision Commission  
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## SUMMARY OF RECOMMENDATION

This recommendation proposes numerous technical revisions to improve the expression of various Fish and Game Code provisions.

It was prepared pursuant to Resolution Chapter 108 of the Statutes of 2021.

## FISH AND GAME CODE CLEAN-UP

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

7 (1) resolve inconsistencies; (2) eliminate redundancies; (3) eliminate unused and  
8 outdated code sections; (4) consolidate sections creating parallel systems and  
9 processes; and (5) restructure codes to group similar statutes and regulations.<sup>2</sup>

10 In 2012, the Legislature acted on that recommendation, authorizing the  
11 Commission to conduct the requested study:

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

14 Whether the Fish and Game Code and related statutory law should be revised to  
15 improve its organization, clarify its meaning, resolve inconsistencies, eliminate  
16 unnecessary or obsolete provisions, standardize terminology, clarify program  
17 authority and funding sources, and make other minor improvements, without  
18 making any significant substantive change to the effect of the law[.]<sup>3</sup>

19 In order to achieve the greatest degree of improvement to the organization and  
20 expression of the Fish and Game Code, the Commission decided to prepare a  
21 recommendation that would repeal the existing code and replace it with a new Fish  
22 and Wildlife Code. The new code would continue the entire substance of the former  
23 code with a more user-friendly organization, without making any significant  
24 substantive change to the effect of existing law. In the process of preparing the  
25 proposed new code, the Commission would identify technical problems of the type  
26 described above (e.g., ambiguity, redundancy, inconsistency) and prepare language

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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. 2012 Cal. Stat. res. ch. 108.

1 to cure them.<sup>4</sup> There were no objections to that general approach from the affected  
2 agencies.<sup>5</sup>

3 In conducting its work, the Commission identified some technical defects that  
4 could be addressed immediately, without waiting until the entire recodification draft  
5 had been completed. Two omnibus recommendations were approved to address  
6 those issues.<sup>6</sup> Both proposals were enacted into law.<sup>7</sup>

7 In 2018, the Commission released a tentative recommendation proposing the new  
8 Fish and Wildlife Code.<sup>8</sup> The original deadline for public comment on the proposed  
9 law was January 1, 2020. The deadline for comment on technical revisions was later  
10 extended by another year, and the deadline for comment on organizational changes  
11 was extended by 18 months, at the request of the Department of Fish and Wildlife.<sup>9</sup>

12 In January 2021, the Fish and Game Commission and Department of Fish and  
13 Wildlife provided written comments on a large number of the technical revisions  
14 that were proposed in the tentative recommendation. This recommendation is  
15 substantially informed by that input.

16 In June 2021, the Department of Fish and Wildlife informed the Commission that  
17 it would not support the proposed reorganization of the Fish and Wildlife Code. It

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4. Early in its study of the Fish and Game Code, the Commission identified the potential for ambiguity in the definition of “fish.” See Fish & Game Code § 45. As defined, the term includes animals that are not classified zoologically as fish (i.e., invertebrates and amphibians). This creates some uncertainty, because the statutory definition is not necessarily intended to apply to every provision that uses the term “fish.” See Fish & Game Code § 2. Courts have held that Section 45 applies to the California Endangered Species Act. See *Almond All. of California v. Fish & Game Comm’n* (2022) 79 Cal.App.5th 337, 366, 294 Cal.Rptr.3d 603 *republished with additional material* at 2022 WL 4374847 (Cal. Ct. App. May 31, 2022), *rev. denied* (Sept. 21, 2022); *California Forestry Assn. v. Fish & Game Comm’n* (2007) 156 Cal.App.4th 1535, 68 Cal.Rptr.3d 391. But there are over 600 other Fish and Game Code sections that use the term “fish.” The Commission agrees with stakeholder comments that it is impossible to determine the intended meaning of the term in all of these sections without a significant risk of inadvertent substantive change. Because the Commission’s authority in this study prohibits proposing any significant substantive changes, the Commission decided against attempting to clarify the meaning of “fish.” See Memorandum 2013-12, pp. 5-6 *available at* <http://clrc.ca.gov/pub/2013/MM13-12.pdf>.

5. See, e.g., Second Supplement to CLRC Staff Memorandum 2013-11, *available at* <http://clrc.ca.gov/pub/2013/MM13-11s2.pdf>; CLRC Staff Memorandum 2013-30, *available at* <http://clrc.ca.gov/pub/2013/MM13-30.pdf>; CLRC Staff Memorandum 2013-31, *available at* <http://clrc.ca.gov/pub/2013/MM13-31.pdf>; First Supplement to CLRC Staff Memorandum 2013-37, *available at* <http://clrc.ca.gov/pub/2013/MM13-37s1.pdf>; CLRC Staff Memorandum 2013-49, *available at* <http://clrc.ca.gov/pub/2013/MM13-49.pdf>; First Supplement to CLRC Staff Memorandum 2013-50, *available at* <http://clrc.ca.gov/pub/2013/MM13-50s1.pdf>.

6. See *Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 1)*, 44 Cal. L. Revision Comm’n Reports 115 (2015); *Fish and Game Law: Technical Revisions and Minor Substantive Improvements (Part 2)*, 44 Cal. L. Revision Comm’n Reports 349 (2015).

7. See 2015 Cal. Stat. ch. 154; 2016 Cal. Stat. ch. 546.

8. See Tentative Recommendation on Fish and Wildlife Code (Dec. 2018), *available at* <http://clrc.ca.gov/pub/Misc-Report/TR-R100-Full.pdf>.

9. See CLRC Staff Memorandum 2019-44, Exhibit pp. 1-2, *available at* <http://www.clrc.ca.gov/pub/2019/MM19-44.pdf>.

1 explained its view that reorganization would be “likely to result in confusion at best,  
2 and at worst, a Code that is difficult to use and not supported by the department that  
3 is charged with its administration and enforcement.”<sup>10</sup>

4 The Commission considered restructuring its work on organizational  
5 improvement, to minimize the transitional costs and other disadvantages that occur  
6 when any body of existing statutory law is reorganized. Rather than enacting an  
7 entirely new code, the Commission considered preparing a series of targeted  
8 reorganization proposals, to improve the organization of disordered parts of the  
9 existing Fish and Game Code.<sup>11</sup> Such incremental improvement would reduce the  
10 transitional disruption, by implementing it in a series of smaller reforms.

11 The Department of Fish and Wildlife did not support that alternative approach,  
12 making clear that it would not support any Commission work to reorganize the Fish  
13 and Game Code. Nor would it provide any assistance, if the Commission were to  
14 proceed with such work.<sup>12</sup> A variety of stakeholder groups wrote jointly to endorse  
15 the Department of Fish and Wildlife’s position.<sup>13</sup> No stakeholder group wrote in  
16 support of reorganization.

17 Given that input, the Commission decided to set aside its efforts to improve the  
18 organization of the code. That decision was based on a combination of deference to  
19 the Department of Fish and Wildlife as the agency charged with administration of  
20 the Fish and Game Code and practical recognition that an effort to improve the  
21 organization of the Fish and Game Code would likely fail without the support and  
22 assistance of the Department of Fish and Wildlife and faced with coordinated  
23 opposition by stakeholders.<sup>14</sup>

24 This recommendation proposes technical revisions to existing sections within the  
25 Fish and Game Code. It does not recommend any changes to the organization of the  
26 Fish and Game Code.

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10. See, e.g., CLRC Staff Memorandum 2021-33, available at <http://clrc.ca.gov/pub/2021/MM21-33.pdf>.

11. See, e.g., CLRC Staff Memorandum 2022-30, available at <http://clrc.ca.gov/pub/2022/MM22-30.pdf>; First Supplement to CLRC Staff Memorandum 2022-30, available at <http://clrc.ca.gov/pub/2022/MM22-30s1.pdf>.

12. See, e.g., Fifth Supplement to CLRC Staff Memorandum 2022-30, available at <http://clrc.ca.gov/pub/2022/MM22-30s5.pdf>.

13. See, e.g., Third Supplement to CLRC Staff Memorandum 2022-30 available at <http://clrc.ca.gov/pub/2022/MM22-30s3.pdf>; Fourth Supplement to CLRC Staff Memorandum 2022-30 available at <http://clrc.ca.gov/pub/2022/MM22-30s4.pdf>.

14. Early in this study the Commission adopted a posture of deference to the Fish and Game Commission and Department of Fish and Wildlife on matters of administration of fish and game law. See, e.g., CLRC Staff Memorandum 2013-30 available at <http://clrc.ca.gov/pub/2013/MM13-30.pdf>.



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## PROPOSED LEGISLATION

### FISH AND GAME CODE

1 **Fish & Game Code § 70 (amended). “Resident”**

2 SEC. \_\_\_\_\_. Section 70 of the Fish and Game Code is amended to read:

3 70. “Resident” means any person who has resided continuously in the State of  
4 California for six months or more immediately prior to the date of his application  
5 for a license or permit, any person on active military duty with the Armed Forces of  
6 the United States or auxiliary branch thereof, or any person enrolled in the Job Corps  
7 established pursuant to former Section 2883 of Title 29 of the United States Code.

8 **Comment.** Section 70 is amended to clarify a cross-reference to a repealed section of the United  
9 States Code, and make the section gender neutral.

10 **Fish & Game Code § 308 (amended). Restricted take in District 22**

11 SEC. \_\_\_\_\_. Section 308 of the Fish and Game Code is amended to read:

12 308. Notwithstanding any other provisions of this code, in District 22 the taking  
13 of birds, mammals, fish, ~~amphibia~~ amphibians, or reptiles shall be subject to  
14 regulations ~~prescribed~~ adopted, from time to time, by the commission, except that  
15 it is unlawful in District 22 to take birds or mammals within one-eighth mile of any  
16 gallinaceous guzzler, if the area surrounding it is posted in the manner prescribed  
17 by the commission. In the Colorado River, in District 22, the commission may  
18 ~~prescribe such~~ adopt regulations in agreement with the proper authorities of the  
19 State of Arizona.

20 **Comment.** Section 308 is amended for clarity.

21 **Fish & Game Code § 315.3 (amended). Opening identified waters to take**

22 SEC. \_\_\_\_\_. Section 315.3 of the Fish and Game Code is amended to read:

23 315.3. The commission may, ~~at any time when facts are presented to the~~  
24 ~~commission which were not presented to the commission at the time of its December~~  
25 ~~meeting held pursuant to Section 209~~, open any stream, lake, or other inland waters,  
26 ~~or portions thereof~~ or part of any stream, lake, or other inland waters, to the taking  
27 of any species or subspecies of fish for the proper utilization of the fish, for ~~such~~  
28 ~~time as~~ an amount of time specified by the commission may designate, or until ~~such~~  
29 ~~time as~~ new legislation thereon on the matter enacted by the Legislature ~~may~~  
30 ~~become~~ becomes effective.

31 **Comment.** Section 315.3 is amended for clarity, and to delete reference to an obsolete procedure.

32 **Fish & Game Code § 355 (amended). Commission regulations relating to Migratory Bird**  
33 **Treaty Act**

34 SEC. \_\_\_\_\_. Section 355 of the Fish and Game Code is amended to read:

1 355. (a) The commission may, annually, adopt regulations pertaining to migratory  
2 birds to conform with or to further restrict the rules and regulations prescribed  
3 pursuant to the Migratory Bird Treaty Act.

4 (b) Regulations adopted under this section are not subject to Sections 11343.4,  
5 11346.1, 11346.4, and 11346.8 of the Government Code.

6 (c) Every regulation of the commission adopted pursuant to this article ~~shall be~~  
7 ~~filed with the Secretary of State, and~~ shall become effective upon filing, unless  
8 otherwise specified in the regulations.

9 **Comment.** Section 355 is amended to add subdivision designations, and delete superfluous text.  
10 See Gov't Code Section 11343 (generally requiring all regulations adopted by a state agency to be  
11 filed with the Secretary of State).

12 **Fish & Game Code § 356 (amended). Commission regulations relating to migratory birds**

13 SEC. \_\_\_\_\_. Section 356 of the Fish and Game Code is amended to read:

14 356. (a) Migratory game birds may be taken in conformity with the federal laws  
15 and regulations and the regulations of the commission ~~as provided in Section 355~~  
16 ~~adopted pursuant to this article.~~

17 (b) In the event no regulations are prescribed by the proper federal agency, the  
18 commission may determine and fix the area or areas, the seasons and hours, the  
19 species, the bag and possession limits, and the total number that may be taken during  
20 any open season for the taking of migratory game birds, under such rules and  
21 regulations ~~as adopted by the commission may prescribe. Such~~ The rules and  
22 regulations ~~as the commission may prescribe~~ shall have the same effect as if enacted  
23 by the Legislature.

24 **Comment.** Section 356 is amended for clarity. The section is also amended to add subdivision  
25 designations.

26 **Fish & Game Code § 398 (amended). Falconry**

27 SEC. \_\_\_\_\_. Section 398 of the Fish and Game Code is amended to read:

28 398. The base year for determining the inflationary index applied to the fee  
29 established by Section 396 shall be the 1984-85 fiscal year, ~~and the base year for~~  
30 ~~determining the inflationary index to be applied to the fee established by Section~~  
31 ~~397 shall be the 1985-86 fiscal year.~~

32 **Comment.** Section 398 is amended to delete obsolete material.

33 **Fish & Game Code § 456 (amended). Deer management**

34 SEC. \_\_\_\_\_. Section 456 of the Fish and Game Code is amended to read:

35 The department shall biennially report to the Legislature and to the ~~Fish and Game~~  
36 ~~Commission~~ commission on the progress that is being made toward the restoration  
37 and maintenance of California's deer herds. ~~The first report shall be submitted on~~  
~~or before October 1, 1989.~~ The report shall include program activities regarding  
deer habitat, particularly addressing problems dealing with identification and  
preservation of critical deer habitat areas; the amount of revenue derived from the

1 sale of deer tags during the two previous fiscal years; a list of expenditures during  
2 the two previous fiscal years and proposed expenditures during the current fiscal  
3 year; and a report of general benefits accrued to the deer resources as a result of the  
4 program.

5 **Comment.** Section 456 is amended to delete obsolete material and make a technical correction.

6 **Fish & Game Code § 457 (amended). Annual recommendations by department**

7 SEC. \_\_\_\_ . Section 457 of the Fish and Game Code is amended to read:

8 457. (a) The Not later than December 15 of each year, the department shall  
9 determine prior to December 15 of each year its proposed recommendations to the  
10 commission relating to the management of deer, including its recommendations as  
11 to whether any antlerless deer hunts should be ordered.

12 (b) The recommendations of the department shall include the all of the following:

13 (1) The number, if any, of antlerless deer that should be taken in units, whether  
14 the permits should be either sex permits, the proposed particular deer management  
15 units.

16 (2) Proposed dates for each such any recommended taking, and the .

17 (3) The number of permits proposed for each management unit.

18 (4) Whether the permits should be either-sex permits.

19 **Comment.** Section 457 is amended for clarity, and to add subdivision and paragraph  
20 designations.

21 **Fish & Game Code § 458 (amended). Notice of proposed recommendation**

22 SEC. \_\_\_\_ . Section 458 of the Fish and Game Code is amended to read:

23 458. (a) The Not later than December 15 of each year, the department not later  
24 than December 15 shall notify, by certified mail, provide notice of the details of its  
25 proposed recommendations under Section 457 to the board of supervisors of each  
26 county affected of the details of its recommendations under Section 457 by a  
27 recommendation, by certified mail.

28 (b) The Not later than the February 1 next following the department's notice, the  
29 board of supervisors of any affected county may elect to hold a public hearing on  
30 one or more of the department's proposed recommendations of the department. Any  
31 such hearing shall be held prior to February 1. The director or his or her the  
32 director's representative shall attend the hearing all hearings held pursuant to this  
33 subdivision.

34 (c) The board of supervisors of any affected county to which this section is  
35 applicable may, by resolution, elect not to exercise the rights conferred by this  
36 section.

37 (d) This section applies only to the counties of, and to those districts or parts of  
38 districts in, Siskiyou, Modoc, Trinity, Shasta, Lassen, Plumas, Sierra, Alpine,  
39 Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt,  
40 Imperial, Inyo, Lake, Madera, Mariposa, Mendocino, Merced, Mono, Monterey,

1 Napa, Nevada, Orange, Placer, Riverside, San Luis Obispo, Santa Barbara, Santa  
2 Clara, Tehama, Tuolumne, Yolo, and Yuba Counties.

3 **Comment.** Section 458 is amended for clarity, to add subdivision designations, and to make the  
4 section gender neutral.

5 **Fish & Game Code § 459 (amended). Response to department recommendations**

6 SEC. \_\_\_\_\_. Section 459 of the Fish and Game Code is amended to read:

7 459. (a) ~~The~~ Not later than the February 1 next following the department's notice,  
8 ~~the~~ board of supervisors of any affected county specified in Section 458 which that  
9 has held a public hearing pursuant to Section 458 may, not later than February 1, by  
10 resolution, object to the one or more proposed recommendations of the department,  
11 or may, by resolution, determine that one or more the proposed recommendation  
12 recommendations should be modified, setting forth and state the necessary  
13 modifications modification.

14 (b) A resolution objecting to, or ~~setting forth~~ stating necessary modifications  
15 modification of, the a proposed recommendations recommendation shall be based  
16 ~~upon the on~~ testimony and information presented at the a hearing conducted  
17 pursuant to subdivision (b) of Section 458, or presented to the board of supervisors  
18 at its meeting to consider the resolution.

19 (c) The department shall not recommend to the commission, and the commission  
20 shall not authorize, the taking of antlerless deer in ~~a-an~~ affected county specified in  
21 Section 458 if it has received from the board of supervisors of that county submits  
22 a resolution objecting to that taking.

23 (d) If a board of supervisors of a an affected county has submitted submits a  
24 resolution determining that ~~the department's~~ one or more proposed  
25 recommendations on recommendations of the department relating to the taking of  
26 antlerless deer should be modified for that county, the department and the  
27 commission shall do one of the following:

28 (1) The department shall either so modify its recommendations and the  
29 commission shall so modify its orders or the to incorporate the modification  
30 determined to be necessary by the county board of supervisors.

31 (2) The department shall not recommend, and the commission shall not authorize,  
32 the taking of antlerless deer in that county.

33 **Comment.** Section 459 is amended for clarity, and to add subdivision and paragraph  
34 designations.

35 **Fish & Game Code § 460 (amended). Department recommendations relating to deer**  
36 **hunting**

37 SEC. \_\_\_\_\_. Section 460 of the Fish and Game Code is amended to read:

38 460. (a) Prior to each meeting of the commission at which the commission  
39 considers the regulation of deer and takes action pursuant to paragraph (1) of  
40 subdivision (a) of Section 255, the department shall recommend to the commission  
41 ~~those~~ the deer herd units to be placed under a general deer hunting season.

1 (b) At the same time, the department shall ~~recommend~~ do all of the following:

2 (1) Recommend to the commission, subject to the provisions of Sections 458 and  
3 459, whether any antlerless deer should be taken, and ~~in what~~ if so, in which deer  
4 herd management units ~~antlerless deer are to be taken~~.

5 (2) If in the judgment of the department there are deer herd management units in  
6 which hunting pressure would adversely affect the deer herd, impair the hunting  
7 experience, or endanger the public safety, ~~the department shall also~~ recommend to  
8 the commission those deer herd management units where hunter numbers should be  
9 restricted, and those which should be removed from the general deer hunting season  
10 designation. ~~The~~

11 (3) Inform ~~department shall inform~~ the commission of the condition of each deer  
12 herd management unit. ~~Upon receipt of the recommendations and information~~  
13 ~~required in this section, the commission shall make that material known to the public~~  
14 ~~and its determinations regarding proposed regulations. The recommendations of the~~  
15 ~~department shall~~

16 (4) Recommend to the commission, in accordance with the provisions of Sections  
17 458 and 459, ~~include~~ the number, if any, of antlerless deer that should be taken in  
18 deer herd management units, whether the permits should be either-sex permits, the  
19 proposed dates for the taking, and the number of permits proposed for each deer  
20 herd management unit. ~~At the same time, the department shall recommend~~

21 (5) Recommend to the commission the establishment of any hunter-restricted  
22 quota units, if needed, and the number of the quota and manner in which the quota  
23 permits should be issued.

24 (c) Upon receipt of the recommendations and information required by this section,  
25 the commission shall make that material known to the public, and shall also make  
26 known to the public the commission's determinations regarding proposed  
27 regulations.

28 **Comment.** Section 460 is amended for clarity.

29 **Fish & Game Code § 711 (amended). Statement of legislative intent regarding funding**

30 SEC. \_\_\_\_. Section 711 of the Fish and Game Code is amended to read:

31 711. (a) It is the intent of the Legislature to ensure adequate funding from  
32 appropriate sources for the department. To this end, the Legislature finds and  
33 declares that:

34 (1) The costs of nongame fish and wildlife programs shall be provided annually  
35 in the Budget Act by appropriating money from the General Fund, through nongame  
36 user fees, and sources other than the Fish and Game Preservation Fund to the  
37 department for these purposes.

38 (2) The costs of commercial fishing programs shall be provided out of revenues  
39 from commercial fishing landing fees, license fees, and other revenues, from  
40 reimbursements and federal funds received for commercial fishing programs, and  
41 other funds appropriated by the Legislature for this purpose.

1 (3) The costs of hunting and sportfishing programs shall be provided out of  
2 hunting and sportfishing revenues and reimbursements and federal funds received  
3 for hunting and sportfishing programs, and other funds appropriated by the  
4 Legislature for this purpose. These revenues, reimbursements, and federal funds  
5 shall not be used to support commercial fishing programs, free hunting and fishing  
6 license programs, or nongame fish and wildlife programs.

7 (4) The costs of managing lands managed by the department and the costs of  
8 wildlife management programs shall be supplemented out of revenues in the Native  
9 Species Conservation and Enhancement Account in the Fish and Game Preservation  
10 Fund.

11 (5) Hunting, sportfishing, and sport ocean fishing license fees shall be adjusted  
12 annually to an amount equal to that computed pursuant to Section 713. However, a  
13 substantial increase in the aggregate of hunting and sportfishing programs shall be  
14 reflected by appropriate amendments to the sections of this code that establish the  
15 base sport license fee levels. The inflationary index provided in Section 713 shall  
16 not be used to accommodate a substantial increase in the aggregate of hunting and  
17 sportfishing programs.

18 (6) The costs of a conservation and mitigation banking program, including, but  
19 not limited to, costs incurred by the department during its adoption of guidelines  
20 for, and the review, approval, establishment, monitoring, and oversight of, banks,  
21 shall be reimbursed from revenues of conservation and mitigation bank application  
22 fees imposed pursuant to Sections 1798.5, 1798.6, and 1799.

23 (b) The director and the Secretary of the Natural Resources Agency, with the  
24 department's annual budget submittal to the Legislature, shall submit a report on the  
25 fund condition, including the expenditures and revenue, for all accounts and  
26 subaccounts within the Fish and Game Preservation Fund. The department shall also  
27 update its cost allocation plan to reflect the costs of program activities.

28 (c) For purposes of this ~~article~~ section, "substantial increase" means an increase  
29 in excess of 5 percent of the Fish and Game Preservation Fund portion of the  
30 department's current year support budget, excluding cost-of-living increases  
31 provided for salaries, staff benefits, and operating expenses.

32 **Comment.** Subdivision (c) of Section 711 is amended to provide greater specificity without  
33 changing the substance of the provision.

34 **Fish & Game Code § 711.4 (amended). Exceptions to CEQA filing fee**

35 SEC. \_\_\_\_ . Section 711.4 of the Fish and Game Code is amended to read:

36 711.4. (a) The department shall impose and collect a filing fee in the amount  
37 prescribed in subdivision (d) to defray the costs of managing and protecting fish and  
38 wildlife trust resources, including, but not limited to, consulting with other public  
39 agencies, reviewing environmental documents, recommending mitigation  
40 measures, developing monitoring requirements for purposes of the California  
41 Environmental Quality Act (Division 13 (commencing with Section 21000) of the  
42 Public Resources Code), consulting pursuant to Section 21104.2 of the Public

1 Resources Code, and other activities protecting those trust resources identified in  
2 the review pursuant to the California Environmental Quality Act.

3 (b) The filing fees shall be proportional to the cost incurred by the department and  
4 shall be annually reviewed and adjustments recommended to the Legislature in an  
5 amount necessary to pay the full costs of department programs as specified. The  
6 department shall annually adjust the fees pursuant to Section 713.

7 (c)(1) All project applicants and public agencies subject to the California  
8 Environmental Quality Act shall pay a filing fee for each proposed project, as  
9 specified in subdivision (d).

10 (2) Notwithstanding paragraph (1), a filing fee shall not be paid pursuant to this  
11 section if any of the following conditions exist:

12 (A) The project has no effect on fish and wildlife.

13 (B) The project is being undertaken by the department.

14 (C) The project costs are payable by the department from any of the following  
15 sources that are held by the department:

16 (i) The Public Resources Account in the Cigarette and Tobacco Products Surtax  
17 Fund.

18 (ii) The California Wildlife, Coastal, and Park Land Conservation Fund of 1988.

19 (iii) The Habitat Conservation Fund.

20 (iv) The Fisheries Restoration Account in the Fish and Game Preservation Fund.

21 (v) The Commercial Salmon Stamp Dedicated Subaccount in the Fish and Game  
22 Preservation Fund.

23 ~~(vi) Striped bass stamp funds collected pursuant to Section 7360.~~

24 ~~(vii)~~ (vi) The California Ocean Resource Enhancement Account.

25 (D) The project is implemented by the department through a contract with either  
26 a nonprofit entity or a local government agency.

27 (3) Filing fees shall be paid at the time and in the amount specified in subdivision  
28 (d). Notwithstanding Sections 21080.5 and 21081 of the Public Resources Code, a  
29 project shall not be operative, vested, or final, and local government permits for the  
30 project shall not be valid, until the filing fees required pursuant to this section are  
31 paid.

32 (d) The fees shall be in the following amounts:

33 (1) For a project that is statutorily or categorically exempt from the California  
34 Environmental Quality Act, including those certified regulatory programs that  
35 incorporate statutory and categorical exemptions, a filing fee shall not be paid.

36 (2) For a project for which a negative declaration is prepared pursuant to  
37 subdivision (c) of Section 21080 of the Public Resources Code, the filing fee is one  
38 thousand eight hundred dollars (\$1,800). A local agency collecting the filing fee  
39 shall remit the fee to the county clerk at the time of filing a notice of determination  
40 pursuant to Section 21152 of the Public Resources Code. A state agency collecting  
41 the filing fee shall remit the fee to the Office of Planning and Research at the time  
42 of filing a notice of determination pursuant to Section 21108 of the Public Resources  
43 Code.

1 (3) For a project with an environmental impact report prepared pursuant to the  
2 California Environmental Quality Act, the filing fee is two thousand five hundred  
3 dollars (\$2,500). A local agency collecting the filing fee shall remit the fee to the  
4 county clerk at the time of filing a notice of determination pursuant to Section 21152  
5 of the Public Resources Code. A state agency collecting the filing fee shall remit the  
6 fee to the Office of Planning and Research at the time of filing a notice of  
7 determination pursuant to Section 21108 of the Public Resources Code.

8 (4) For a project that is subject to a certified regulatory program pursuant to  
9 Section 21080.5 of the Public Resources Code, the filing fee is eight hundred fifty  
10 dollars (\$850). The filing fee shall be paid to the department before the filing of the  
11 notice of determination pursuant to Section 21080.5 of the Public Resources Code.

12 (e) The county clerk may charge a documentary handling fee of fifty dollars (\$50)  
13 per filing in addition to the filing fee specified in subdivision (d).

14 (1) The county clerk of each county and the Office of Planning and Research shall  
15 maintain a record, both electronic and in paper, of all environmental documents  
16 received. The record shall include, for each environmental document received, the  
17 name of each applicant or lead agency, the document filing number, the project  
18 name as approved by the lead agency, and the filing date. The record shall be made  
19 available for examination or audit by authorized personnel of the department during  
20 normal business hours.

21 (2) The filing fee imposed and collected pursuant to subdivision (d) shall be  
22 remitted monthly to the department within 30 days after the end of each month. The  
23 remittance shall be accompanied with the information required pursuant to  
24 paragraph (1). The amount of fees due shall be reported on forms prescribed and  
25 provided by the department.

26 (3) The department shall assess a penalty of 10 percent of the amount of fees due  
27 for a failure to remit the amount payable when due. The department may pursue  
28 collection of delinquent fees through the Controller's office pursuant to Section  
29 12419.5 of the Government Code.

30 (f) Notwithstanding subdivision (a) of Section 12000, failure to pay the fee under  
31 subdivision (d) is not a misdemeanor. All unpaid fees are a statutory assessment  
32 subject to collection under procedures as provided in the Revenue and Taxation  
33 Code.

34 (g) Only one filing fee shall be paid for each project unless the project is tiered or  
35 phased, or separate environmental documents are required.

36 (h) This section does not preclude or modify the duty of the department to  
37 recommend, require, permit, or engage in mitigation activities pursuant to the  
38 California Environmental Quality Act.

39 (i) The permit process of the California Coastal Commission, as certified by the  
40 Secretary of the Natural Resources Agency, is exempt from the payment of the filing  
41 fees prescribed by paragraph (4) of subdivision (d) insofar as the permits are issued  
42 under any of the following regulations:

1 (1) Subchapter 4 (commencing with Section 13136) of Chapter 5 of Division 5.5  
2 of Title 14 of the California Code of Regulations.

3 (2) Subchapter 1 (commencing with Section 13200), Subchapter 3 (commencing  
4 with Section 13213), ~~Subchapter 3.5 (commencing with Section 13214)~~, Subchapter  
5 4 (commencing with Section 13215), Subchapter 4.5 (commencing with Section  
6 13238), Subchapter 5 (commencing with Section 13240), Subchapter 6  
7 (commencing with Section 13250), and Subchapter 8 (commencing with Section  
8 13255.0) of Chapter 6 of Division 5.5 of Title 14 of the California Code of  
9 Regulations.

10 **Comment.** Subparagraph (vi) of subdivision (c)(2)(C) of Section 711.4 is deleted to reflect the  
11 repeal of the statutory cross-reference in the provision, and the discontinuation of the referenced  
12 collection of funds.

13 Subdivision (f) is amended to clarify a statutory cross-reference.

14 Subdivision (i) is amended to update the name of a referenced agency and delete an obsolete  
15 cross-reference.

16 **Fish & Game Code § 1055.3 (amended). Wildlife area passes and native species stamps**

17 SEC. \_\_\_\_ . Section 1055.3 of the Fish and Game Code is amended to read:

18 1055.3. The department may authorize any person other than a commissioner or  
19 an officer or employee of the department to issue, as an agent of the department,  
20 annual wildlife area passes and native species stamps, and to sell promotional  
21 materials and nature study aids pursuant to, and subject to the requirements of, this  
22 article. An agent thus authorized may add a handling charge pursuant to  
23 ~~subdivisions (f), (g), and (h) of Section 1055 or~~ subdivisions (d), (e), and (f) of  
24 Section 1055.1 to the fee prescribed in Article 3 (commencing with Section 1760)  
25 of Chapter 7.5 of Division 2 for each annual wildlife area pass or native species  
26 stamp issued.

27 **Comment.** Section 1055.3 is amended to delete an obsolete cross-reference to subdivisions of  
28 former Section 1055.

29 **Fish & Game Code § 1068 (repealed). Department grant**

30 SEC. \_\_\_\_ . Section 1068 of the Fish and Game Code is repealed.

31 ~~1068. (a) Beginning November 1, 1991, the director shall make a grant in~~  
32 ~~installments to a nonprofit organization of sea urchin divers in an amount not to~~  
33 ~~exceed four hundred thousand dollars (\$400,000), for the organization to~~  
34 ~~accomplish the following purposes:~~

35 ~~(1) To establish a communications network among sea urchin divers, through a~~  
36 ~~newsletter and such other means as are deemed necessary and appropriate by the~~  
37 ~~organization, providing divers with information on policies, procedures, statutes,~~  
38 ~~and regulations affecting the sea urchin fishery, meeting announcements, and for~~  
39 ~~other information the department reasonably requests to be transmitted to sea urchin~~  
40 ~~divers.~~

41 ~~(2) To establish an education program on the conservation and utilization of sea~~  
42 ~~urchins.~~

1 ~~(3) To convene statewide conferences for members of the industry to meet for~~  
2 ~~purposes of strengthening the industry and benefiting industry goals.~~

3 ~~The grant shall be paid, upon submission and approval of an annual budget, in~~  
4 ~~quarterly installments, in amounts deemed appropriate by the department, upon the~~  
5 ~~submission to the department of progress reports which demonstrate the continued~~  
6 ~~achievements of the organization toward the intended goals.~~

7 ~~(b) Prior to making the grant, the director shall verify from the nonprofit~~  
8 ~~organization's bylaws that it is established for, among other purposes, the~~  
9 ~~protection, conservation, enhancement, and promotion of the sea urchin fishery, and~~  
10 ~~that its membership, including its board of directors, is composed solely of licensed~~  
11 ~~commercial sea urchin divers.~~

12 ~~(c) The grant shall be funded from revenues received pursuant to former~~  
13 ~~subdivision (b) of Section 8051.1, as that subdivision read on December 31, 1995.~~  
14 ~~If the department determines that the revenue received from former subdivision (b)~~  
15 ~~of Section 8051.1, as that subdivision read on December 31, 1995, is not sufficient~~  
16 ~~to fund the amount of the grant, including departmental overhead charges which~~  
17 ~~shall be recovered from the revenues received pursuant to that former subdivision~~  
18 ~~(b) of Section 8051.1, the department shall reduce the amount of the grant~~  
19 ~~accordingly. The revenue received pursuant to that former subdivision (b) of Section~~  
20 ~~8051.1 shall remain available for funding of the grant program pursuant to this~~  
21 ~~subdivision until that revenue is fully encumbered, or the authorized amount of the~~  
22 ~~grant program is expended, whichever event is later.~~

23 ~~(d) The revenue received pursuant to former subdivision (b) of Section 8051.1 as~~  
24 ~~it read on December 31, 1995, shall first be used to reimburse the department for~~  
25 ~~departmental overhead charges incurred in administering the grant.~~

26 **Comment.** Section 1068 is repealed as obsolete.

27 **Fish & Game Code § 1122.5 (amended). Mount Whitney Fish Hatchery**

28 SEC. \_\_\_\_\_. Section 1122.5 of the Fish and Game Code is amended to read:

29 1122.5. (a) Notwithstanding any other provision of law, the Director of General  
30 Services, with the consent of the department, may lease to the Friends of the Mount  
31 Whitney Hatchery, at no cost, and subject to any other terms and conditions that the  
32 director deems appropriate, for a term not to exceed 25 years, and with the  
33 possibility of renewal, the Mount Whitney Fish Hatchery ~~facilities~~, or any ~~portion~~  
34 ~~thereof part of the hatchery~~, situated in the County of Inyo. ~~The leased portion of~~  
35 ~~the building~~

36 (b) Any part of the hatchery that is leased pursuant to subdivision (a) shall be used  
37 for environmental education purposes and other related activities designed to benefit  
38 the hatchery and the community.

39 (c) The lease shall require the Friends of the Mount Whitney Fish Hatchery to  
40 permit reasonable public access to the ~~facility~~ hatchery, to obtain and maintain  
41 liability insurance for the leased portion of the ~~facility~~ hatchery, and to maintain the  
42 leased portion of the ~~facility~~ hatchery at all times. The lease shall provide that any

1 work done on the ~~facility~~ hatchery shall be performed in consultation with the State  
2 Office of Historic Preservation. The lease shall also provide that the state, agents of  
3 the state, the department, and agents of the department shall be held harmless from,  
4 and indemnified against, any liability resulting from the acts or omissions of the  
5 Friends of the Mount Whitney Fish Hatchery ~~performed in the course of the lease~~  
6 ~~agreement arising out of performance of the lease.~~

7 **Comment.** Section 1122.5 is amended for clarity, and to add subdivision designations.

8 **Fish & Game Code § 1348.3 (amended). Condemnation of wildlife conservation easement**

9 SEC. \_\_\_\_\_. Section 1348.3 of the Fish and Game Code is amended to read:

10 1348.3. (a) No governmental entity may condemn any wildlife conservation  
11 easement acquired by a state agency, except as provided in subdivision (b). As used  
12 in this section, the following terms have the following meanings:

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

17 ~~(2) “Wildlife” has the same meaning as set forth in Section 89.5.~~

18 ~~(3)~~ (2) “Wildlife conservation easement” means a recorded conservation  
19 easement, as defined in Section 815.1 of the Civil Code, that exists or will exist for  
20 at least 10 years and that is acquired and held by a state agency and administered  
21 primarily for the benefit of wildlife.

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

36 **Comment.** Section 1348.3 is amended to delete paragraph (2) of subdivision (a) as superfluous.  
37 See Section 89.5 (defining the term “wildlife” generally).

38 **Fish & Game Code § 1352 (amended). Wildlife restoration fund**

39 SEC. \_\_\_\_\_. Section 1352 of the Fish and Game Code is amended to read:

1 1352. (a) The money in the Wildlife Restoration Fund, as provided for by Section  
2 19632 of the Business and Professions Code, is available for expenditure under any  
3 provision of this chapter.

4 (b) All federal moneys made available for projects authorized by the board shall  
5 be deposited in the Wildlife Restoration Fund or the Fish and Game Preservation  
6 Fund. ~~Any unexpended balances of the federal moneys remaining on or after June~~  
7 ~~30, 1979, in any other fund shall be transferred to the Wildlife Restoration Fund or~~  
8 ~~the Fish and Game Preservation Fund.~~

9 (c) Any moneys received in the Wildlife Restoration Fund or the Fish and Game  
10 Preservation Fund from leases authorized pursuant to paragraph (2) or (3) of  
11 subdivision (c) of Section 1348 shall be expended, upon appropriation by the  
12 Legislature, by the department for the purposes of managing, maintaining, restoring,  
13 or operating lands owned and managed by the department.

14 **Comment.** Subdivision (b) of Section 1352 is amended to delete the second sentence of the  
15 subdivision, which is obsolete.

16 **Fish & Game Code § 1500.5 (amended). Mineral rights**

17 SEC. \_\_\_\_ . Section 1500.5 of the Fish and Game Code is amended to read:

18 1500.5. ~~With respect to exchanging or selling any~~ (a) The following rules govern  
19 an exchange or sale of property pursuant to Section 1500, the director, with respect  
20 to any parcel containing :

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

25 (2) If a parcel contains more than 15 acres, the director shall except and reserve  
26 to the state all mineral deposits, as defined in Section 6407 of the Public Resources  
27 Code, together with the right rights to prospect for, mine, and remove the deposits.  
28 —The deposits. The rights to prospect for, mine, and remove shall be limited to  
29 those areas of the property conveyed which that the director, after consultation with  
30 the State Lands Commission, determines to be reasonably necessary for the removal  
31 of the resources and deposits.

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

34 **Comment.** Section 1500.5 is amended for clarity.

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

36 **Fish & Game Code § 1605 (amended). Duration and extension of agreement**

37 SEC. \_\_\_\_ . Section 1605 of the Fish and Game Code is amended to read:

38 1605. (a)(1) Except as otherwise provided in this section, the term of an agreement  
39 shall not exceed five years.

1 (2) Notwithstanding paragraph (1), after the agreement expires, the entity shall  
2 remain responsible for implementing any mitigation or other measures specified in  
3 the agreement to protect fish and wildlife resources.

4 (b) Any entity may request one extension of a previously-approved agreement, if  
5 the entity requests the extension prior to the expiration of its original term. The  
6 department shall grant the extension unless it determines that the agreement requires  
7 modification because the measures contained in the agreement no longer protect the  
8 fish and wildlife resources that the activity may substantially adversely affect. In the  
9 event the department makes that determination, the department shall propose  
10 measures intended to protect those resources.

11 (c) If the entity disagrees with the department's determination that the agreement  
12 requires modification to protect fish and wildlife resources or with the measures  
13 proposed by the department, the disagreement shall be resolved pursuant to the  
14 procedures described in subdivision (b) of Section 1603.

15 (d) The department may not extend an agreement for more than five years.

16 (e)(1) An original agreement shall remain in effect until the department grants the  
17 extension request, or new measures are imposed to protect fish and wildlife  
18 resources by agreement or through the arbitration process.

19 (2) Notwithstanding paragraph (1), an original agreement may not remain in  
20 effect for more than one year after its expiration date.

21 (f) If the entity fails to submit a request to extend an agreement prior to its  
22 expiration, the entity shall submit a new notification before commencing or  
23 continuing the activity covered by the agreement.

24 (g) Notwithstanding paragraph (1) of subdivision (a), the department may issue  
25 an agreement, that otherwise meets the requirements of this chapter, for a term  
26 longer than five years if the following conditions are satisfied:

27 (1) The information the entity provides to the department in its notification meets  
28 the requirements of paragraph (1) of subdivision (a) of Section 1602.

29 (2) The entity agrees to provide a status report to the department every four years.  
30 The status report shall be delivered to the department no later than 90 days prior to  
31 the end of each four-year period, and shall include all of the following information:

32 (A) A copy of the original agreement.

33 (B) The status of the activity covered by the agreement.

34 (C) An evaluation of the success or failure of the measures in the agreement to  
35 protect the fish and wildlife resources that the activity may substantially adversely  
36 affect.

37 (D) A discussion of any factors that could increase the predicted adverse impacts  
38 on fish and wildlife resources, and a description of the resources that may be  
39 adversely affected.

40 (3) The department shall review the four-year status report, and conduct an onsite  
41 inspection to confirm that the entity is in compliance with the agreement and that  
42 the measures in the agreement continue to protect the fish and wildlife resources. If  
43 the department determines that the measures in the agreement no longer protect the

1 fish and wildlife resources that are being substantially adversely affected by the  
2 activity, the department, in consultation with the entity, and within 45 days of  
3 receipt of the report, shall impose one or more new measures to protect the fish and  
4 wildlife resources affected by the activity. If requested to do so by the entity, the  
5 department shall make available the information upon which it determined the  
6 agreement no longer protects the affected fish and wildlife resources. If the entity  
7 disagrees with one or more of the new measures, within seven days of receiving the  
8 new measures, it shall notify the department, in writing, of the disagreement. The  
9 entity and the department shall consult regarding the disagreement. The consultation  
10 shall be completed within seven days after the department receives the entity's  
11 notice of disagreement. If the department and entity fail to reach agreement, the  
12 entity may request, in writing, the appointment of a panel of arbitrators to resolve  
13 the disagreement. The panel of arbitrators shall be appointed within 14 days of the  
14 completed consultation. The panel of arbitrators shall issue a decision within 14  
15 days of the date it is established. All other provisions of subdivision (b) of Section  
16 1603 regarding the panel shall apply to any arbitration panel established in  
17 accordance with this subdivision. If the entity fails to provide timely status reports  
18 as required by this subdivision, the department may suspend or revoke the  
19 agreement.

20 (4) The agreement shall authorize department employees to conduct onsite  
21 inspections relevant to the agreement, upon reasonable notice. Nothing in this  
22 section limits the authority of department employees to inspect private or public  
23 sites.

24 (5) Except as provided in paragraph (3), subparagraph (D) of paragraph (4) of  
25 subdivision (a) of Section 1602 and the time periods to process agreements specified  
26 in this chapter do not apply to agreements issued pursuant to this section.

27 (h) Each region of the department shall log the notifications of activities for which  
28 a long-term agreement is being considered pursuant to subdivision (g). The log shall  
29 list the date the notification was received by the department, a brief description of  
30 the proposed activity, and the location of the activity. Each item shall remain on the  
31 log for one year. Upon written request by any person, a regional office shall send  
32 the log to that person monthly for one year. A request made pursuant to this  
33 ~~paragraph~~ subdivision may be renewed annually.

34 **Comment.** Subdivision (h) of Section 1605 is amended to make a technical correction.

35 **Fish & Game Code § 1608 (amended). Information provided to entity submitting**  
36 **notification**

37 SEC. \_\_\_\_ . Section 1608 of the Fish and Game Code is amended to read:

38 1608. The department shall provide any entity that submits a notification pursuant  
39 to subdivision (a) of Section 1602 with all of the following information:

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

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

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

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

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

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

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

10 **Comment.** The introductory paragraph of Section 1608 is amended to narrow an overbroad  
11 cross-reference.

12 **Fish & Game Code § 1771 (amended). Deposit of funds**

13 SEC. \_\_\_\_. Section 1771 of the Fish and Game Code is amended to read:

14 1771. (a) Whenever the department receives funds from the Treasurer under  
15 ~~Article 7 (commencing with Section 18520) of Chapter 17 of Part 10~~ Article 5  
16 (commencing with Section 18741) of Chapter 3 of Part 10.2 of Division 2 of the  
17 Revenue and Taxation Code for the support of this article, the funds shall be  
18 deposited in the Fish and Game Preservation Fund and credited to the Endangered  
19 and Rare Fish, Wildlife, and Plant Species Conservation and Enhancement Account.  
20 These funds are for the support of programs for endangered and rare animals and  
21 native plant species as determined by the commission, related conservation and  
22 enhancement programs, and programs for those species which may be candidates  
23 for determination as endangered or rare under the criteria developed by the  
24 commission.

25 (b) The administrative overhead assessment on that portion of funds deposited in  
26 the Endangered and Rare Fish, Wildlife, and Plant Species Conservation and  
27 Enhancement Account expended through contracts shall not exceed 15 percent.

28 **Comment.** Section 1771 is amended to correct an erroneous cross-reference.

29 **Fish & Game Code § 1772 (amended). Encouraging donations**

30 SEC. \_\_\_\_. Section 1772 of the Fish and Game Code is amended to read:

31 1772. (a) The department may take all appropriate measures to encourage  
32 donations to this account through the tax return checkoff system provided for in  
33 ~~Article 7 (commencing with Section 18520) of Chapter 17 of Part 10~~ Article 5  
34 (commencing with Section 18741) of Chapter 3 of Part 10.2 of Division 2 of the  
35 Revenue and Taxation Code.

36 (b) The department may also disseminate information to the public concerning the  
37 status of endangered and rare species.

38 (c) The cost to the department to carry out the provisions of this section may be  
39 charged to this account.

40 **Comment.** Section 1772 is amended to correct an erroneous cross-reference.

41 The section is also amended to add subdivision designations.

1 **Fish & Game Code § 1798 (amended). Application procedure**

2 SEC. \_\_\_\_ . Section 1798 of the Fish and Game Code is amended to read:

3 1798. (a)(1) Any person interested in establishing any bank with the department  
4 may elect to submit an optional draft prospectus for review by the department. Any  
5 draft prospectus shall be accompanied by a draft prospectus review fee of one  
6 thousand five hundred dollars (\$1,500) to fund the reasonable cost of the  
7 department's review services. The draft prospectus review, while optional, is  
8 intended to identify potential issues early so that the potential bank sponsor may  
9 attempt to address those issues prior to initiating the formal review process. The  
10 draft prospectus is a brief proposal submitted when scoping the concept of a bank,  
11 contemplating pursuing a bank idea, or for those new to the banking process.

12 (2) No later than 30 calendar days after the department receives a draft prospectus  
13 and review fee, the department shall make an initial evaluation of the proposed  
14 concept and notify the person who submitted the draft prospectus of potential issues  
15 identified by the department.

16 (b)(1) Any person seeking to establish a bank with the department shall submit a  
17 bank prospectus to the department together with a prospectus review fee of ten  
18 thousand dollars (\$10,000) to fund the reasonable cost of the department's review  
19 services. If a draft prospectus and the review fee have been submitted pursuant to  
20 subdivision (a), then the review fee for the bank prospectus shall be eight thousand  
21 five hundred dollars (\$8,500) so as not to exceed a total fee of ten thousand dollars  
22 (\$10,000).

23 (2) The bank prospectus shall contain at least all of the following information:

24 (A) The proposed bank name.

25 (B) Contact information, including, but not limited to, the bank sponsor, property  
26 owner, and any consultants.

27 (C) A general location map, address, and the size of the proposed bank in acres.

28 (D) A 7.5-minute United States Geological Survey map showing proposed  
29 boundaries of the bank.

30 (E) Color aerial photographs that reflect current conditions on the site of the  
31 proposed bank and surrounding properties.

32 (F) Description of how the bank will be established and operated, including, but  
33 not limited to, proposed ownership arrangements, long-term management strategy,  
34 and any phases.

35 (G) Qualifications of bank sponsor.

36 (H) Preliminary natural resources surveys that document biotic and abiotic  
37 baseline conditions, including past, current, and adjacent land uses, vegetation  
38 types, species information, topography, hydrology, and soil types.

39 (I) Map of proposed bank service areas.

40 (J) Map depicting other conserved lands in the vicinity of the proposed bank.

41 (K) Description of bank objectives that includes how the proposed bank would  
42 contribute to connectivity and ecosystem function.

1 (L) A current preliminary report covering the site of the proposed bank that  
2 identifies the owner of the fee simple title and shows all liens, easements, and other  
3 encumbrances and depicts all relevant property lines, easements, dedications, and  
4 other features.

5 (M) A declaration of whether or not the proposed bank site has been or is being  
6 used as mitigation, is designated or dedicated for park or open space use, or  
7 designated for purposes that may be inconsistent with habitat preservation.

8 (N) Details of any public funding received for acquisition or restoration of, or  
9 other purposes related to, the proposed bank site.

10 (c) No later than 30 calendar days after the department receives a bank prospectus  
11 and the prospectus review fee, the department shall determine whether or not the  
12 prospectus is complete and provide written notice of its determination to the person  
13 who submitted the prospectus. If a prospectus is not complete, it may be made  
14 complete and resubmitted.

15 (d) If the department determines that the prospectus is complete, then within 90  
16 calendar days of that determination, the department shall determine whether or not  
17 the prospectus is acceptable and notify the person who submitted the prospectus of  
18 the determination. The department may request clarifying information during the  
19 prospectus review process.

20 (e)(1) If the department determines that a bank prospectus is acceptable then a  
21 bank agreement package may be submitted in accordance with Section 1798.5.

22 (2) If the department determines that a bank prospectus is not acceptable the  
23 department shall state the reasons for the determination. The prospectus may be  
24 resubmitted in accordance with subdivision (a) or (b) if further consideration is  
25 desired. Any resubmittal must be accompanied by payment of a new ~~prospectus~~  
26 review fee.

27 (f) The department may adopt and amend guidelines and criteria for the purposes  
28 of this section pursuant to subdivision (b) of Section 1799.1.

29 **Comment.** Paragraph (2) of subdivision (e) of Section 1798 is amended for clarity.

30 **Fish & Game Code § 1798.5 (amended). Bank agreement package**

31 SEC. \_\_\_\_\_. Section 1798.5 of the Fish and Game Code is amended to read:

32 1798.5. (a)(1) If the department determines that a bank prospectus is acceptable  
33 pursuant to Section 1798, the person seeking to establish the bank may submit a  
34 bank agreement package to the department. Pursuant to subdivision ~~(b)~~ (c) of  
35 Section 1799.1, the department may adopt and amend guidelines and criteria for the  
36 bank agreement package, including, but not limited to, recommended standard  
37 forms for bank enabling instruments or long-term management plan and  
38 conservation easements.

39 (2) The bank agreement package shall be consistent with the prospectus and  
40 contain at least all of the following information:

41 (A) The draft bank enabling instrument and all exhibits.

1 (B) Drafts of the interim management plan, long-term management plan, bank  
2 closure plan, and, if applicable, a development or construction plan for the bank.

3 (C) A draft conservation easement, or if potential state ownership is contemplated  
4 by the department, a draft grant deed.

5 (D) A map and written description of the proposed bank service area.

6 (E) A proposed credit ledger and credit release schedule for the bank.

7 (F) A property analysis record or other comparable economic analysis of the  
8 funding necessary to support bank maintenance activities, such as monitoring and  
9 reporting, in perpetuity.

10 (G) Estimates of financial assurances and proposed forms of security. Proposed  
11 forms of security may be either cash or a letter of credit.

12 (H) A phase I environmental site assessment of the site of the proposed bank dated  
13 not more than six months prior to the date the bank agreement package is submitted  
14 to the department. This assessment shall be performed in accordance with the  
15 American Society of Testing and Materials Standard E1527-05 “Standard Practice  
16 for Environmental Site Assessments: Phase I Environmental Site Assessment  
17 Process” or any successive ASTM standard active at the time of the assessment.

18 (b) The department shall collect a fee of twenty-five thousand dollars (\$25,000)  
19 per bank agreement package to fund the cost of the department’s review services.  
20 The fee shall be collected at the time the bank agreement package is submitted to  
21 the department.

22 (c) Within 30 calendar days following the department’s receipt of a bank  
23 agreement package and fee pursuant to subdivision (a), the department shall  
24 determine whether or not the package is complete and give written notice of the  
25 determination to the person who submitted the package.

26 (1) If the department determines that the bank agreement package is not complete,  
27 it may be made complete and resubmitted.

28 (2) If the department determines that the bank agreement package is complete,  
29 within 90 calendar days of that determination, the department shall determine  
30 whether or not it is acceptable and notify the person who submitted the package of  
31 the determination. If the department determines that the bank agreement package is  
32 not acceptable, the department shall state the reasons.

33 (d) The department may request clarifying information during the bank agreement  
34 review process.

35 (e) If the department needs supplemental information during its review of the  
36 bank agreement package in order to fully evaluate the proposed bank, the regional  
37 manager or departmental equivalent, or a higher level department employee, shall  
38 provide the person seeking to establish the bank a written request for the needed  
39 information. Upon the department’s receipt of the requested information, a new 90-  
40 day period shall begin during which the department shall determine acceptability  
41 pursuant to paragraph (2) of subdivision (c). If the department does not receive the  
42 requested information within 60 calendar days of the department’s request, the bank  
43 agreement package will be deemed unacceptable.

1 (f) If the person seeking to establish the bank proposes changes to the bank  
2 agreement package that have not been solicited by the department during its 90-day  
3 review period, including, but not limited to, parties, number or type of credits, bank  
4 size, number or type of species, credit release schedule, service area, design change,  
5 or other changes as identified by the department as necessitating additional review  
6 time, the department, acting through the regional manager or department equivalent,  
7 or a higher level department employee, shall assess a one-time fee of ten thousand  
8 dollars (\$10,000) to cover the reasonable cost of the department's services in  
9 reviewing the changes. A new 90-day review period shall begin upon the  
10 department's receipt of the proposed changes and the associated review fee, during  
11 which it will determine acceptability pursuant to paragraph (2) of subdivision (c).

12 (g) If the department determines that 90 days is insufficient time to complete its  
13 review of the bank agreement package for reasons including, but not limited to, the  
14 size, location, or complexity of the bank, that the package includes a development  
15 or construction plan, complexity of the bank agreement package, or substantial  
16 variations from recommended standard forms, the department may extend the 90-  
17 day period for reviewing the bank agreement package by an additional 60 calendar  
18 days.

19 (h) If the department determines that a bank agreement package is not acceptable,  
20 the package may be resubmitted in accordance with subdivision (a) if further  
21 consideration is desired. Any resubmittal shall be accompanied by payment of a new  
22 bank agreement package review fee.

23 **Comment.** Paragraph (1) of subdivision (a) of Section 1798.5 is amended to correct an erroneous  
24 cross-reference.

25 **Fish & Game Code § 1798.6 (amended). Bank amendment**

26 SEC. \_\_\_\_\_. Section 1798.6 of the Fish and Game Code is amended to read:

27 1798.6. (a) Any person seeking to amend any bank shall submit to the department  
28 a complete bank amendment package containing each of the original bank  
29 agreement package documents, including any prior amendments, as well as any  
30 documents proposed to be amended or that would be affected by the proposed  
31 amendment. The department may adopt and amend guidelines and criteria for the  
32 bank amendment package pursuant to subdivision ~~(b)~~ (c) of Section 1799.1.

33 (b)(1) Within 30 calendar days following its receipt of a draft bank amendment  
34 package and any fee required by subdivision (c), the department shall determine  
35 whether or not the package is complete and give written notice of that determination  
36 to the person who submitted the package.

37 (2) If the department determines that the bank amendment package is complete,  
38 then within 90 calendar days of that determination, the department shall determine  
39 whether or not the package is acceptable and notify the person who submitted the  
40 package of that determination. If the bank amendment package is determined not to  
41 be acceptable, the determination shall state the reasons. The department may request  
42 clarifying information during the bank amendment review process. The department

1 may extend the 90-day period for reviewing the bank amendment package by an  
2 additional 60 days if the department determines that 90 days is insufficient time to  
3 complete its review of a bank amendment package for reasons that may include, but  
4 are not limited to, the size, location, or complexity of the bank or bank amendment  
5 documents, that the package includes a development plan, or that there are  
6 substantial variations from recommended standard forms.

7 (c)(1) The department shall collect a fee of either seven thousand five hundred  
8 dollars (\$7,500) or twenty-five thousand dollars (\$25,000) per bank amendment  
9 package to fund the reasonable cost of the department's review services. The fee of  
10 seven thousand five hundred dollars (\$7,500) is intended to cover the reasonable  
11 cost of the department's services in reviewing simple amendments, such as a change  
12 in bank name, ownership change, address change, or proposed decrease in the  
13 number of credits proposed. The fee of twenty-five thousand dollars (\$25,000) is  
14 intended to cover the reasonable cost of the department's services in reviewing all  
15 other amendments, including, but not limited to, requests for increase change in  
16 service area, or increase in the number of credits. A regional manager or department  
17 equivalent, or a higher level department representative employee, shall determine  
18 which of the two fees is appropriate and shall provide notification of that  
19 determination to the person who submitted the request for bank amendment package  
20 pursuant to paragraph (3).

21 (2) An initial fee of seven thousand five hundred dollars (\$7,500) shall be  
22 submitted to the department with the bank amendment package.

23 (3) Within 30 calendar days following the department's receipt of a bank  
24 amendment package and the initial fee, pursuant to paragraph (2), the department  
25 shall determine whether or not the package is complete and give written notice of  
26 the determination to the person who submitted it and, if applicable, notice pursuant  
27 to paragraph (1) that the person shall remit an additional fee of seventeen thousand  
28 five hundred dollars (\$17,500). If noticed by the department, the additional fee of  
29 seventeen thousand five hundred dollars (\$17,500) shall be submitted to the  
30 department within 30 days of the notice. If the additional fee is not received by this  
31 date, the review timelines in this section shall be suspended until the fee is received  
32 by the department.

33 (4) If the department determines that the bank amendment package is not  
34 complete, the package may be made complete and resubmitted. If the department  
35 determines that the bank amendment package is complete, then within 90 calendar  
36 days of that determination and the receipt of the additional fee pursuant to paragraph  
37 (3), if applicable, the department shall determine whether or not the bank  
38 amendment package is acceptable and notify the person who submitted the package  
39 of the determination.

40 (d)(1) If the department determines that the bank amendment package is not  
41 acceptable the determination shall state the reasons.

42 (2) The department may request clarifying information during the bank  
43 amendment review process.

1 (e) If the department needs supplemental information during its review of the  
2 bank amendment package in order to fully evaluate the proposed amendment, the  
3 regional manager or department equivalent, or a higher level department employee,  
4 shall provide the person seeking to amend the bank, in writing, a written request for  
5 the needed information. Upon the department's receipt of the requested information,  
6 a new 90-day period shall begin during which the department will determine  
7 acceptability pursuant to paragraph (4) of subdivision (c). If the department does  
8 not receive the requested information within 60 calendar days of the department's  
9 request, the bank amendment package shall be deemed unacceptable.

10 (f) If the person seeking to amend the bank proposes changes to the bank  
11 amendment package that have not been solicited by the department during its the  
12 department's 90-day review period, including, but not limited to, parties, number or  
13 type of credits, bank size, number or type of species, credit release schedule, service  
14 area, design change, or other changes as identified by the department to require  
15 additional review time, the department, acting through the regional manager or  
16 department equivalent, or a higher level department employee, shall assess a one-  
17 time fee of ten thousand dollars (\$10,000) to cover the reasonable cost of the  
18 department's services in reviewing the changes. A new 90-day review period shall  
19 begin upon receipt of the proposed changes and the fee, during which the  
20 department shall determine acceptability pursuant to paragraph (4) of subdivision  
21 (c).

22 (g) If the department determines that 90 days is insufficient time to complete its  
23 review of the bank amendment package for reasons, including, but not limited to,  
24 the size, location, or complexity of the bank or bank amendment package, that the  
25 package includes a development or construction plan, or substantial variations from  
26 recommended standard forms, the department may extend the 90-day period for  
27 reviewing the bank amendment package by an additional 60 calendar days.

28 (h) If the department determines that a bank amendment package is not  
29 acceptable, then the package may be resubmitted in accordance with subdivision (a)  
30 if further consideration is desired. Any resubmittal shall be accompanied by  
31 payment of all applicable bank amendment package review fees.

32 **Comment.** Subdivision (a) of Section 1798.6 is amended to correct an erroneous cross-reference.

33 **Fish & Game Code § 1909 (amended). Enforcement authority**

34 SEC. \_\_\_\_ . Section 1909 of the Fish and Game Code is amended to read:

35 1909. (a) When any power or authority is given by any provision of this chapter  
36 to any person, it may be exercised by any deputy, inspector, or agent duly authorized  
37 by ~~such~~ that person.

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

7 **Comment.** Section 1909 is amended for clarity.  
8 The section is also amended to add subdivision designations.

9 **Fish & Game Code § 1913 (amended). Exemptions**

10 SEC. \_\_\_\_\_. Section 1913 is added to the Fish and Game Code, to read:

11 1913. (a) The provisions of this chapter are not intended and shall not be construed  
12 as authorizing any public agency to mandate, prescribe, or otherwise regulate  
13 agricultural operations or management practices, including the clearing of land for  
14 agricultural practices or fire control measures.

15 (b) Notwithstanding the provisions of Section 1911, timber operations in  
16 accordance with a timber harvesting plan submitted pursuant to the provisions of  
17 the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing with  
18 Section 4511) of Part 2 of Division 4 of the Public Resources Code), or required  
19 mining assessment work pursuant to federal or state mining laws, or the removal of  
20 endangered or rare native plants from a canal, lateral ditch, building site, or road, or  
21 other right-of-way by the owner of the land or ~~his~~ the owner's agent, or the  
22 performance by a public agency or a publicly or privately owned public utility of its  
23 obligation to provide service to the public, shall not be restricted by this chapter  
24 because of the presence of rare or endangered plants, except as provided in  
25 subdivision (c) of this section.

26 (c) Notwithstanding the provisions of subdivisions (a) and (b) of this section,  
27 where the owner of land has been notified by the department pursuant to Section  
28 ~~1903.5~~ 1904 that a rare or endangered native plant is growing on ~~such~~ that land, the  
29 owner shall notify the department at least 10 days in advance of changing the land  
30 use to allow for salvage of ~~such~~ that plant. The failure by the department to salvage  
31 ~~such~~ that plant within 10 days of notification shall entitle the owner of the land to  
32 proceed without regard to this chapter. Submission of a timber harvesting plan  
33 pursuant to the Z'berg-Nejedly Forest Practice Act of 1973 (Chapter 8 (commencing  
34 with Section 4511) of Part 2 of Division 4 of the Public Resources Code) shall  
35 constitute notice under this section. Converting from one type of agricultural use, as  
36 defined in Section 51201 of the Government Code, to another type of agricultural  
37 use shall not constitute a change in land use.

38 **Comment.** Section 1913 is amended to correct two erroneous cross-references, make other  
39 technical corrections, and make the section gender neutral.

40 **Fish & Game Code § 1930.2 (added). Definitions**

41 SEC. \_\_\_\_\_. Section 1930.2 is added to the Fish and Game Code, to read:

1 1930.2. For purposes of this chapter, the following terms have the following  
2 meanings:

3 (a) “Habitat stronghold” means high-quality habitat that supports wildlife in being  
4 more resilient to increasing pressures on species due to climate change and land  
5 development.

6 (b) “Wildlife corridor” means a habitat linkage that joins two or more areas of  
7 wildlife habitat, allowing for fish passage or the movement of wildlife from one area  
8 to another.

9 **Comment.** Section 1930.2 is added to generalize application throughout this chapter of  
10 definitions previously applicable only to Section 1930.5.

11 **Fish & Game Code § 1930.5 (amended). Habitat strongholds and wildlife corridors**

12 SEC. \_\_\_\_\_. Section 1930.5 of the Fish and Game Code is amended to read:

13 1930.5. (a) Contingent upon funding being provided by the Wildlife Conservation  
14 Board from moneys available pursuant to Section 75055 of the Public Resources  
15 Code, or from other appropriate bond funds, upon appropriation by the Legislature,  
16 the department shall investigate, study, and identify those areas in the state that are  
17 most essential as wildlife corridors and habitat linkages, as well as the impacts to  
18 those wildlife corridors from climate change, and shall prioritize vegetative data  
19 development in these areas.

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

24 (c)(1) It is the policy of the state to promote the voluntary protection of wildlife  
25 corridors and habitat strongholds in order to enhance the resiliency of wildlife and  
26 their habitats to climate change, protect biodiversity, and allow for the migration  
27 and movement of species by providing connectivity between habitat lands. In order  
28 to further these goals, it is the policy of the state to encourage, wherever feasible  
29 and practicable, voluntary steps to protect the functioning of wildlife corridors  
30 through various means, as applicable and to the extent feasible and practicable,  
31 those means may include, but are not limited to:

32 (A) Acquisition or protection of wildlife corridors as open space through  
33 conservation easements.

34 (B) Installing of wildlife-friendly or directional fencing.

35 (C) Siting of mitigation and conservation banks in areas that provide habitat  
36 connectivity for affected fish and wildlife resources.

37 (D) Provision of roadway undercrossings, overpasses, oversized culverts, or  
38 bridges to allow for fish passage and the movement of wildlife between habitat  
39 areas.

40 (2) The fact that a project applicant does not take voluntary steps to protect the  
41 functioning of a wildlife corridor prior to initiating the application process for a  
42 project shall not be grounds for denying a permit or requiring additional mitigation

1 beyond what would be required to mitigate project impacts under other applicable  
2 laws, including, but not limited to, the California Endangered Species Act (Chapter  
3 1.5 (commencing with Section 2050) of Division 3) and the California  
4 Environmental Quality Act (Division 13 (commencing with Section 21000) of the  
5 Public Resources Code).

6 (d) The Legislature finds and declares that there are a number of existing efforts,  
7 including, but not limited to, efforts involving working landscapes, that are already  
8 working to achieve the policy described in subdivision (c).

9 (e) Subdivision (c) shall not be construed to create new regulatory requirements  
10 or modify the requirements of subparagraphs (B) and (E) of paragraph (4) of  
11 subdivision (a) of Section 2820 ~~of the Fish and Game Code~~, or the California  
12 Environmental Quality Act (Division 13 (commencing with Section 21000) of the  
13 Public Resources Code).

14 (f) ~~For purposes of this section, the following terms have the following meanings:~~

15 (1) ~~“Habitat stronghold” means high quality habitat that supports wildlife in being~~  
16 ~~more resilient to increasing pressures on species due to climate change and land~~  
17 ~~development.~~

18 (2) ~~“Wildlife corridor” means a habitat linkage that joins two or more areas of~~  
19 ~~wildlife habitat, allowing for fish passage or the movement of wildlife from one area~~  
20 ~~to another.~~

21 **Comment.** Section 1930.5 is amended to delete subdivision (f), which set forth definitions that  
22 have been generalized to apply throughout the chapter in which Section 1930.5 appears. See  
23 Section 1930.2.

24 Subdivision (e) is amended to make a technical change.

25 **Fish & Game Code § 1932 (amended). Condemnation of wildlife conservation easement**

26 SEC. \_\_\_\_\_. Section 1932 of the Fish and Game Code is amended to read:

27 1932. There is hereby established the Significant Natural Areas Program, which  
28 shall be administered by the department. The department, in administering this  
29 program, shall do all of the following:

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

35 (b) Develop and maintain a spatial data system that identifies those areas in the  
36 state that are most essential for maintaining habitat connectivity, including wildlife  
37 corridors and habitat linkages. This data should include information essential for  
38 evaluating the needs of wildlife species, ~~as defined in Section 89.5~~, that require  
39 habitat connectivity for their long-term conservation, including distribution and  
40 movement patterns.

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

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

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

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

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

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

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

23 **Comment.** Subdivision (b) of Section 1932 is amended to delete the phrase “as defined in  
24 Section 89.5” as superfluous. See Section 89.5 (defining the term “wildlife” generally).

25 The introductory paragraph of the section is also amended to correct a technical error.

26 **Fish & Game Code § 2003 (amended). Prize**

27 SEC. \_\_\_\_ . Section 2003 of the Fish and Game Code is amended to read:

28 2003. (a) Except as specified in subdivisions (b), (c), (d), and (e), it is unlawful to  
29 offer a prize or other inducement as a reward for the taking of a game bird, or the  
30 taking of any mammal, fish, reptile, or amphibian, in an individual contest,  
31 tournament, or derby.

32 (b) The department may issue a permit to a person authorizing that person to offer  
33 a prize or other inducement as a reward for the taking of a game fish, as defined by  
34 the commission by regulation, if it finds that there would be no detriment to the  
35 resource. The permit is subject to regulations adopted by the commission. The  
36 application for the permit shall be accompanied by a fee in the amount determined  
37 by the department as necessary to cover the reasonable administrative costs incurred  
38 by the department in issuing the permit. However, the department may waive the  
39 permit fee if the contest, tournament, or derby is for persons who are under 16 years  
40 of age or have a physical or mental disability, and the primary purpose of the contest,  
41 tournament, or derby is to introduce those anglers to or educate them about fishing.

1 All permits for which the fee is waived pursuant to this subdivision shall comply  
2 with all other requirements set forth in this section.

3 (c) This section does not apply to a person conducting what is generally known as  
4 a frog-jumping contest, or, in waters of the Pacific Ocean, what is generally known  
5 as a fish contest.

6 (d) This section does not apply to a person conducting an individual contest,  
7 tournament, or derby for the taking of a game bird or game mammal, if the total  
8 value of all prizes or other inducements is less than five hundred dollars (\$500) for  
9 the individual contest, tournament, or derby.

10 (e)(1) As used in this subdivision:

11 (A) “Event” means a competition event on lands managed by the department.

12 (B) “Prize compensation” includes prize or purse money, other prizes, goods, or  
13 other compensation.

14 (2) The department, for any event that awards prize compensation to competitors  
15 in gendered categories, shall require as a condition of a permit pursuant to this  
16 section that, for any participant level that receives prize compensation, the prize  
17 compensation for each gendered category be identical at each participant level. The  
18 department shall not approve a permit for an event that does not comply with this  
19 condition.

20 **Comment.** Section 2003 is amended to make clear that (1) the general prohibition in subdivision  
21 (a) applies to game birds, as well as all mammals, fish, reptiles and amphibians, and (2) the  
22 exception in subdivision (d) applies only to game birds and game mammals.

23 **Fish & Game Code § 2007 (amended). Trap gun**

24 SEC. \_\_\_\_\_. Section 2007 of the Fish and Game Code is amended to read:

25 2007. (a) It is unlawful to set, place, or cause to be set, or placed, any trap gun.

26 (b) A “trap gun” is a firearm loaded with other than blank cartridges and connected  
27 with a string or other contrivance contact with which will cause the firearm to be  
28 discharged.

29 **Comment.** Section 2007 is amended for clarity, and to add subdivision designations.

30 **Fish & Game Code § 2014 (amended). Damages**

31 SEC. \_\_\_\_\_. Section 2014 of the Fish and Game Code is amended to read:

32 2014. (a) It is the policy of this state to conserve its natural resources and to  
33 prevent the willful or negligent destruction of birds, mammals, fish, reptiles, or  
34 amphibia.

35 (b) The state may recover damages in a civil action against any person or local  
36 agency which unlawfully or negligently takes or destroys any bird, mammal, fish,  
37 reptile, or amphibian protected by the laws of this state.

38 (c) The measure of damages is the amount ~~which~~ that will compensate for all  
39 the detriment proximately caused by the taking or destruction of the birds,  
40 mammals, fish, reptiles, or amphibia.

1       ~~(e)~~ (d) An action to recover damages under this section shall be brought in the  
2 name of the people of the state, in a court of competent jurisdiction in the county in  
3 which the cause of action arose. The State Water Resources Control Board shall be  
4 notified of, and may join in, any action brought under this section when the activities  
5 alleged to have caused the destruction of any bird, mammal, fish, reptile, or  
6 amphibian may involve either the unlawful discharge of pollutants into the waters  
7 of the state or other violation of Division 7 (commencing with Section 13000) of  
8 the Water Code.

9       ~~(d)~~ (e) This section does not apply to ~~persons or local agencies engaged in~~  
10 ~~agricultural pest control, to the destruction of fish in irrigation canals or works or~~  
11 ~~irrigation drainages, or to the destruction of birds or mammals killed while~~  
12 ~~damaging crops as provided by law~~ any of the following:

13       (1) Persons or local agencies engaged in agricultural pest control.

14       (2) The destruction of fish in irrigation canals or works, or irrigation drainages.

15       (3) The lawful destruction of a bird or mammal killed while damaging crops.

16       ~~(e)~~ (f) No damages may be recovered against a local agency pursuant to this  
17 section if civil or administrative penalties are assessed against the local agency for  
18 the same detriment pursuant to Division 7 (commencing with Section 13000) of the  
19 Water Code.

20       ~~(f)~~ (g) Any recovery or settlement of money damages, including, but not limited  
21 to, civil penalties, arising out of any civil action filed and maintained by the Attorney  
22 General in the enforcement of this section shall be deposited by the department in  
23 the subaccounts of the Fish and Wildlife Pollution Account in the Fish and Game  
24 Preservation Fund as specified in Section 13011.

25       ~~(g)~~ (h) For purposes of this section, “local agency” includes any city, county, city  
26 and county, district, public authority, or other political subdivision.

27       **Comment.** The second paragraph of subdivision (a) of Section 2014 is amended to designate it  
28 as subdivision (b). All of the subdivisions that follow are redesignated to reflect that change.

29       Newly designated subdivision (c) is amended to make clear that the measure of damages for  
30 unlawful or negligent take or destruction can include the detriment caused by taking, even if the  
31 animal is not destroyed.

32       Newly designated subdivision (e) is amended to eliminate an ambiguous use of the phrase “as  
33 provided by law.”

34       Newly designated subdivision (f) is amended to make clear that the provision applies to both  
35 judicial and administrative penalties.

36       **Fish & Game Code § 2021 (amended). Shark fin**

37       SEC. \_\_\_\_\_. Section 2021 of the Fish and Game Code is amended to read:

38       2021. (a) As used in this section “shark fin” means the raw, dried, or otherwise  
39 processed detached fin, or the raw, dried, or otherwise processed detached tail, of  
40 an elasmobranch.

41       (b) Except as otherwise provided in subdivisions ~~(e), (d), and (e)~~ (c) and (d), it  
42 shall be unlawful for any person to possess, sell, offer for sale, trade, or distribute a  
43 shark fin.

1 (c) Any person who holds a license or permit pursuant to Section 1002 may  
2 possess a shark fin or fins consistent with that license or permit.

3 (d) Any person who holds a license or permit issued by the department to take or  
4 land sharks for recreational or commercial purposes may possess a shark fin or fins  
5 consistent with that license or permit.

6 ~~(e) Before January 1, 2013, any restaurant may possess, sell, offer for sale, trade,  
7 or distribute a shark fin possessed by that restaurant, as of January 1, 2012, that is  
8 prepared for consumption.~~

9 **Comment.** Section 2021 is amended to delete obsolete material.

10 **Fish & Game Code § 2021.5 (amended). Shark fin**

11 SEC. \_\_\_\_ . Section 2021.5 of the Fish and Game Code is amended to read:

12 2021.5. (a) Notwithstanding Section 2021, all of the following provisions apply:

13 (1) Any person who holds a license or permit issued by the department to take or  
14 land sharks for recreational or commercial purposes may possess, including for  
15 purposes of consumption or taxidermy, or may donate to a person licensed or  
16 permitted pursuant to Section 1002, a shark fin or fins consistent with that license  
17 or permit.

18 ~~(2) Before July 1, 2013, any person may possess, sell, offer for sale, trade, or  
19 distribute a shark fin possessed by that person, as of January 1, 2012.~~

20 ~~(3) Nothing in Section 2021 prohibits the sale or possession of a shark carcass,  
21 skin, or fin for taxidermy purposes pursuant to Section 3087.~~

22 (b)(1) The Ocean Protection Council shall submit an annual report to the  
23 Legislature that lists any shark species that have been independently certified to  
24 meet internationally accepted standards for sustainable seafood, as defined in  
25 Section 35550 of the Public Resources Code, and adopted by the Ocean Protection  
26 Council pursuant to Section 35617 of the Public Resources Code, including chain  
27 of custody standards.

28 (2) A report to be submitted pursuant to paragraph (1) shall be submitted in  
29 compliance with Section 9795 of the Government Code.

30 **Comment.** Section 2021.5 is amended to delete obsolete material.

31 **Fish & Game Code § 2074.6 (amended). Department review**

32 SEC. \_\_\_\_ . Section 2074.6 of the Fish and Game Code is amended to read:

33 2074.6. (a) ~~The~~ If the commission accepts a petition for consideration, the  
34 department shall promptly commence a review of the status of the species concerned  
35 in the petition.

36 (b) Within 12 months of the date of publication of a notice of acceptance of a  
37 petition for consideration pursuant to paragraph (2) of subdivision (e) of Section  
38 2074.2, the department shall produce and make publicly available on the  
39 department's ~~Internet Web site~~ internet website a final written peer reviewed report,  
40 based upon the best scientific information available to the department, which  
41 indicates whether the petitioned action is warranted, which includes a preliminary

1 identification of the habitat that may be essential to the continued existence of the  
2 species, and which recommends management activities and other recommendations  
3 for recovery of the species.

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

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

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

15 **Comment.** Subdivision (a) of Section 2074.6 is amended to clarify the application of the section.  
16 The section is also amended to make technical revisions and add subdivision designations.

17 **Fish & Game Code § 2074.8 (amended). Scope of inquiry**

18 SEC. \_\_\_\_\_. Section 2074.8 of the Fish and Game Code is amended to read:

19 2074.8. (a) This article does not impose any duty or obligation for, or otherwise  
20 require, the commission or the department to undertake independent studies or other  
21 assessments of any species when reviewing a petition and its attendant documents  
22 and comments. ~~However, the department shall seek independent scientific peer~~  
23 ~~review of the department's status report.~~

24 (b) The director may approve an extension of time for completion of the status  
25 report if necessary for the purposes of obtaining independent peer review pursuant  
26 to Section 2074.6.

27 **Comment.** Section 2074.8 is amended to delete a redundant provision. See Section 2074.6.  
28 The section is also amended to add subdivision designations.

29 **Fish & Game Code § 2076 (amended). Unlawful activity in District 10**

30 SEC. \_\_\_\_\_. Section 2076 of the Fish and Game Code is amended to read:

31 2076. Any finding pursuant to this ~~section~~ article is subject to judicial review  
32 under Section 1094.5 of the Code of Civil Procedure.

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

34 **Fish & Game Code § 2080.3 (amended). Enhancement of survival permit**

35 SEC. \_\_\_\_\_. Section 2080.3 of the Fish and Game Code is amended to read:

36 2080.3. (a) Notwithstanding any other provision of this chapter, if any person  
37 obtains from the Secretary of Commerce an enhancement of survival permit  
38 pursuant to Section 1539(a)(1)(A) of Title 16 of the United States Code that  
39 authorizes the taking of spring run Chinook salmon (*Oncorhynchus tshawytscha*) in  
40 order to establish or maintain an experimental population in the San Joaquin River

1 pursuant to subsection (j) of that section and the San Joaquin River Restoration  
2 Settlement Act (Part I of Subtitle A of Title X of Public Law 111-11), no further  
3 authorization or approval is necessary under this chapter for that person to take that  
4 species as identified in, and in accordance with, the enhancement of survival permit,  
5 if all of the following requirements are met:

6 (1) That person shall notify the director in writing that the person has received an  
7 enhancement of survival permit and include in the notification a copy of the permit.

8 (2) Upon receipt of the notice specified in paragraph (1) ~~of subdivision (e)~~, the  
9 director shall immediately have the notice published in the General Public Interest  
10 section of the California Regulatory Notice Register.

11 (3) Within 30 days after the director has received the notice specified in paragraph  
12 (1), the director shall determine whether the enhancement of survival permit will  
13 further the conservation of the species. As used in this paragraph, “conservation”  
14 has the same meaning as defined in Section 2061.

15 (4) The director shall immediately have the determination pursuant to paragraph  
16 (3) published in the General Public Interest section of the California Regulatory  
17 Notice Register.

18 (b) The timing and extent of a take authorization under this section shall be limited  
19 to the terms in the federal enhancement of survival permit and shall expire upon the  
20 expiration of the federal permit.

21 (c) This section shall remain in effect only until the effective date of an  
22 amendment to Section 1539 of Title 16 of the United States Code that alters the  
23 requirements for issuing an enhancement of survival permit, as applicable, and as  
24 of that date is repealed, unless a later enacted statute, that is chaptered before the  
25 date this section is repealed, deletes or extends that date.

26 **Comment.** Paragraph (2) of subdivision (a) of Section 2080.3 is amended to correct an erroneous  
27 cross-reference.

28 Subdivision (c) is also amended to make a technical correction.

29 **Fish & Game Code § 2081.2 (amended). Permit application fee**

30 SEC. \_\_\_\_ . Section 2081.2 of the Fish and Game Code is amended to read:

31 2081.2. (a) For purposes of this section, the following terms have the following  
32 meanings:

33 (1) “Permit” means any authorization issued by the department pursuant to this  
34 article to take a species listed by this chapter as candidate, threatened, or  
35 endangered. The term includes a consistency determination pursuant to Section  
36 2080.1 and a concurrence determination pursuant to Section 2080.3 or 2080.4.

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

41 (3) “Permittee” includes any individual, firm, association, organization,  
42 partnership, business, trust, corporation, limited liability company, district, city,

1 county, city and county, town, federal agency, and the state who applies for or who  
2 has received a permit pursuant to this article.

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

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

10 (6) “Voluntary habitat restoration project” means a project that meets both of the  
11 following requirements:

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

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

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

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

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

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

32 (C) Permits for voluntary habitat restoration projects.

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

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

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

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

1 (2) For a project where the estimated project cost is less than one hundred  
2 thousand dollars (\$100,000), the department shall assess either of the following  
3 amounts:

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

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

8 (3) For a project where the estimated project cost is one hundred thousand dollars  
9 (\$100,000) or more but less than five hundred thousand dollars (\$500,000), the  
10 department shall assess either of the following amounts:

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

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

15 (4) For a project where the estimated project cost is five hundred thousand dollars  
16 (\$500,000) or more, the department shall assess either of the following amounts:

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

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

21 (5) The department shall collect a fee of seven thousand five hundred dollars  
22 (\$7,500) for processing permit amendments that the department has determined are  
23 minor as defined in regulation or fifteen thousand dollars (\$15,000) for processing  
24 permit amendments that the department has determined are major as defined in  
25 regulation.

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

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

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

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

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

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

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

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

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

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

21 Subdivisions (b) and (g) are amended to delete an obsolete cross-reference.

22 **Fish & Game Code § 2086 (amended). Voluntary programs**

23 SEC. \_\_\_\_. Section 2086 of the Fish and Game Code is amended to read:

24 2086. (a) The department, in cooperation with the Department of Food and  
25 Agriculture, agricultural commissioners, extension agents, farmers, ranchers, and  
26 other agricultural experts, shall adopt regulations that authorize locally designed  
27 voluntary programs for routine and ongoing agricultural activities on farms or  
28 ranches that encourage habitat for candidate, threatened, and endangered species,  
29 and wildlife generally. Agricultural commissioners, extension agents, farmers,  
30 ranchers, or other agricultural experts, in cooperation with conservation groups, may  
31 propose those programs to the department. ~~The department shall propose regulations~~  
32 ~~for those programs not later than July 1, 1998.~~

33 (b) Programs authorized under subdivision (a) shall do all of the following:

34 (1) Include management practices that will, to the maximum extent practicable,  
35 avoid and minimize take of candidate, endangered, and threatened species, while  
36 encouraging the enhancement of habitat.

37 (2) Be supported by the best available scientific information for both agricultural  
38 and conservation practices.

39 (3) Be consistent with the policies and goals of this chapter.

40 (4) Be designed to provide sufficient flexibility to maximize participation and to  
41 gain the maximum wildlife benefits without compromising the economics of  
42 agricultural operations.

1 (5) Include terms and conditions to allow farmers or ranchers to cease  
2 participation in a program without penalty. The terms and conditions shall include  
3 reasonable measures to minimize take during withdrawal from the program.

4 (c) Any taking of candidate, threatened, or endangered species incidental to  
5 routine and ongoing agricultural activities that occurs while the management  
6 practices specified by paragraph (1) of subdivision (b) are followed, is not  
7 prohibited by this chapter.

8 (d)(1) The department shall automatically renew the authorization for these  
9 voluntary programs every five years, unless the Legislature amends or repeals this  
10 section in which case the program shall be revised to conform to this section.

11 (2) Commencing in 2000, and every five years thereafter, the department shall  
12 post a report regarding the effect of the programs on its ~~Internet Web-site~~ internet  
13 website. The department shall consult with the Department of Food and Agriculture  
14 in evaluating the programs and preparing the report. The report shall address factors  
15 such as the temporary and permanent acreage benefiting from the programs, include  
16 an estimate of the amount of land upon which routine and ongoing agricultural  
17 activities are conducted, provide examples of farmer and rancher cooperation, and  
18 include recommendations to improve the voluntary participation by farmers and  
19 ranchers.

20 (e) If the authorization for these programs is not renewed or is modified under  
21 subdivision (d), persons participating in the program shall be allowed to cease  
22 participating in the program in accordance with the terms and conditions specified  
23 in paragraph (5) of subdivision (b), without penalty.

24 (f)(1) The department may approve an application submitted by an agricultural-  
25 based nonprofit organization or other entity registered as a California nonprofit  
26 organization to initiate and undertake public education and outreach activities that  
27 promote the achievement of the objectives of this chapter. An application submitted  
28 pursuant to this subdivision shall include the following:

- 29 (A) The name and contact information of the participating organization.  
30 (B) A brief description of the planned outreach activities.  
31 (C) An end date for the outreach activities.

32 (2) The department may require a participating organization to submit, for  
33 approval by the department, educational materials and outreach materials that are  
34 disseminated to the public in furtherance of this subdivision.

35 (3) A participating organization shall file an annual report with the department  
36 before the end of each calendar year during the time period specified in the  
37 application. The report shall include, but is not limited to, the following:

38 (A) Complete information on the activities conducted by the participating  
39 organization in the prior year, including a description of all means of  
40 communicating to the public and agricultural community, including personal visits,  
41 electronic communications, organized meetings, or other means.

1 (B) A compilation of responses from the public and members of the agricultural  
2 community that will assist the participating organization and the department to  
3 modify or improve public education and outreach activities on an ongoing basis.

4 (C) An assessment of the existing knowledge within the agricultural community  
5 of programs and prohibitions under this chapter and a review of outreach activities  
6 that could be used to adapt and improve future outreach efforts.

7 (D) Information on a farm or ranch that has expressed interest in participating in  
8 a voluntary program pursuant to this section or the safe harbor agreement program  
9 contained in Article 3.7 (commencing with Section 2089.2). This provision does not  
10 require the annual report to include the identification to the department of an  
11 individual, farm, or ranch.

12 **Comment.** Subdivision (a) of Section 2086 is amended to delete an obsolete deadline for the  
13 proposal of specified regulations.

14 Subdivision (d) is amended to make a technical revision.

15 **Fish & Game Code § 2124 (amended). License requirement**

16 SEC. \_\_\_\_\_. Section 2124 of the Fish and Game Code is amended to read:

17 2124. (a) Except as otherwise authorized by this code or regulations adopted  
18 pursuant ~~thereto~~ to this code, including, but not limited to, those provisions that  
19 authorize raising deer to produce venison for market, it is unlawful for any person  
20 to possess, transport, import, export, propagate, purchase, sell, or transfer any live  
21 mammal ~~listed under~~ enumerated in or designated pursuant to Section 2118, for the  
22 purposes of maiming, injuring, or killing the mammal for gain, amusement, or sport.

23 (b) Except as otherwise authorized by this code or regulations adopted pursuant  
24 ~~thereto~~ to this code, the buyer of a live mammal ~~listed in~~ enumerated in or designated  
25 pursuant to Section 2118 shall not resell the live mammal to another buyer who has  
26 the intent to maim, injure, or kill that mammal for purposes of gain, amusement, or  
27 sport.

28 ~~(b)~~ (c) This section does not apply to the meat, hide, or parts of a dead mammal.

29 **Comment.** Section 2124 is amended to conform to statutory language used in other code sections  
30 that refer to animals listed in Section 2118. See Sections 2123, 2185, 2190.

31 The section is also amended to add additional subdivisions and make other technical changes.

32 **Fish & Game Code § 2125 (amended). Civil penalty**

33 SEC. \_\_\_\_\_. Section 2125 of the Fish and Game Code is amended to read:

34 2125. (a) In addition to any other penalty provided by law, any person who  
35 violates this chapter or any regulations implementing this chapter, is subject to a  
36 civil penalty of not less than five hundred dollars (\$500) nor more than ten thousand  
37 dollars (\$10,000) for each violation. Except as otherwise provided, any violation of  
38 this chapter or of any regulations implementing this chapter is a misdemeanor  
39 punishable by imprisonment in a county jail for not more than six months, or by a  
40 fine of not more than one thousand dollars (\$1,000).

41 (b) The Attorney General, or the city attorney of the city or the district attorney or  
42 county counsel of the county in which a violation of this article occurs, may bring a

1 civil action to recover the civil penalty in subdivision (a) and the costs of seizing  
2 and holding the animal ~~listed in~~ enumerated in or designated pursuant to Section  
3 2118, except to the extent that those costs have already been collected as provided  
4 by subdivision (d). The civil action shall be brought in the county in which the  
5 violation occurs and any penalty imposed shall be transferred to the Controller for  
6 deposit in the Fish and Game Preservation Fund in accordance with Section 13001.

7 (c) In an action brought under this section, in addition to the penalty specified in  
8 subdivision (a), the reasonable costs of investigation, reasonable attorney's fees, and  
9 reasonable expert witness' fees may also be recovered and those amounts shall be  
10 credited to the same operating funds as those from which the expenditures for those  
11 purposes were derived.

12 (d)(1) If an animal is confiscated because the animal was kept in contravention of  
13 this chapter or any implementing regulations, the person claiming the animal shall  
14 pay to the department or the new custodian of the animal an amount sufficient to  
15 cover all reasonable expenses expected to be incurred in caring for and providing  
16 for the animal for at least 30 days, including, but not limited to, the estimated cost  
17 of food, medical care, and housing.

18 (2) If the person claiming the animal fails to comply with the terms of ~~his or her~~  
19 their permit and to regain possession of the animal by the expiration of the first 30-  
20 day period, the department may euthanize the animal or place the animal with an  
21 appropriate wild animal facility at the end of the 30 days, unless the person claiming  
22 the animal pays all reasonable costs of caring for the animal for a second 30-day  
23 period before the expiration of the first 30-day period. If the permittee is still not in  
24 compliance with the terms of the permit at the end of the second 30-day period, the  
25 department may euthanize the animal or place the animal in an appropriate wild  
26 animal facility.

27 (3) The amount of the payments described in paragraphs (1) and (2) shall be  
28 determined by the department, and shall be based on the current reasonable costs to  
29 feed, provide medical care for, and house the animal. If the person claiming the  
30 animal complies with the terms of ~~his or her~~ their permit and regains possession of  
31 the animal, any unused portion of the payments required pursuant to paragraphs (1)  
32 and (2) shall be returned to the person claiming the animal no later than 90 days  
33 after the date on which the person regains possession of the animal.

34 **Comment.** Subdivision (b) of Section 2125 is amended to conform to statutory language used  
35 in other code sections referring to animals listed in Section 2118. See Sections 2123, 2185, 2190.

36 The section is also amended to make it gender neutral.

37 **Fish & Game Code § 2126 (amended). Prohibited take**

38 SEC. \_\_\_\_ . Section 2126 of the Fish and Game Code is amended to read:

39 2126. (a) Except as otherwise authorized by this code or regulations made  
40 pursuant thereto, it is unlawful for any person to take any mammal ~~as identified by~~  
41 enumerated in or designated pursuant to Section 2118.

42 (b) This section does not prohibit the euthanasia of a mammal as appropriately  
43 directed by a licensed veterinarian or animal health technician.

1 **Comment.** Subdivision (a) of Section 2126 is amended to conform to statutory language used in  
2 other code sections referring to animals listed in Section 2118. See Sections 2123, 2185, 2190.

3 **Fish & Game Code § 2127 (amended). Eligible local entity**

4 SEC. \_\_\_\_\_. Section 2127 of the Fish and Game Code is amended to read:

5 2127. (a) The department may reimburse eligible local entities, pursuant to a  
6 memorandum of understanding entered into pursuant to this section, for costs  
7 incurred by the eligible local entities in the administration and enforcement of any  
8 provision concerning the possession of, handling of, care for, or holding facilities  
9 provided for, a wild animal enumerated in or designated pursuant to Section 2118.

10 (b) The department may enter into memorandums of understanding with eligible  
11 local entities for the administration and enforcement of any provision concerning  
12 the possession of, handling of, care for, or holding facilities provided for, a wild  
13 animal enumerated in or designated pursuant to Section 2118.

14 (c) The commission shall adopt regulations that establish specific criteria an  
15 eligible local entity shall meet in order to qualify as an eligible local entity.

16 (d) For the purposes of this division, “eligible local entity” means a county, local  
17 animal control officer, local humane society official, educational institution, or  
18 trained private individual that enters into a memorandum of understanding with the  
19 department pursuant to this section.

20 **Comment.** Subdivisions (a) and (b) of Section 2127 are amended to conform to statutory  
21 language used in other code sections referring to animals listed in Section 2118. See Sections 2123,  
22 2185, 2190.

23 **Fish & Game Code § 2150.3 (amended). Advisory committee**

24 SEC. \_\_\_\_\_. Section 2150.3 of the Fish and Game Code is amended to read:

25 2150.3. (a) The director shall appoint a committee to advise the director on the  
26 humane care and treatment of wild animals.

27 (b) The committee shall make recommendations to the director for the  
28 establishment of standards of performance for administration and enforcement,  
29 which shall include, but are not limited to, requiring that the eligible local entity  
30 possess a knowledge of humane wild animal training methods.

31 (c) The committee shall make recommendations to the director as to the frequency  
32 of inspections necessary for the enforcement and administration of any provision  
33 concerning the possession of, handling of, care for, or holding facilities provided  
34 for, a wild animal enumerated in or designated pursuant to Section 2118.

35 (d) The committee shall advise and assist the director in entering into  
36 memorandums of understanding with eligible local entities and in determining  
37 whether the memorandums of understanding meet the requirements of this chapter.

38 **Comment.** Subdivision (c) of Section 2150.3 is amended to conform to statutory language used  
39 in other code sections referring to animals listed in Section 2118. See Sections 2123, 2185, 2190.

1 **Fish & Game Code § 2185 (amended). Notification of law enforcement of arriving wild**  
2 **animal**

3 SEC. \_\_\_\_ . Section 2185 of the Fish and Game Code is amended to read:

4 2185. (a) Any person who transports, receives, or imports into the ~~State state~~, or  
5 transports within the ~~State state~~, any live wild animal enumerated in or designated  
6 pursuant to Section 2118, shall hold ~~said~~ that animal in confinement for inspection  
7 and immediately notify the nearest enforcing officer of the animal's arrival ~~thereof~~.  
8 If there is found in any shipment any species not specified in the permit issued under  
9 this chapter, or more than the number of any species specified, ~~said~~ those animals  
10 shall be refused admittance as provided in Section ~~2188 of this chapter~~ 2189.

11 (b) Notwithstanding Section 2117, for the purposes of this section, “enforcing  
12 officer” means the enforcement personnel of the department, the state plant  
13 quarantine officers, and county agricultural commissioners.

14 **Comment.** Section 2185 is amended to update an obsolete cross-reference and make other  
15 technical revisions.

16 **Fish & Game Code § 2356 (amended). Transport of trout**

17 SEC. \_\_\_\_ . Section 2356 of the Fish and Game Code is amended to read:

18 2356. (a) It is unlawful ~~at any time~~ to offer for shipment, ship, ~~or~~ receive for  
19 shipment, or transport from this state, any trout taken in the waters of this state,  
20 except ~~that the~~ as provided in subdivision (b).

21 (b) The following persons may personally transport from this state not more than  
22 one daily bag limit of trout:

23 (1) The holder of a nonresident ~~angling sport fishing~~ license, ~~or any~~ .

24 (2) A person on active military duty with the ~~armed forces~~ Armed Forces of the  
25 United States ~~or on active military duty with an auxiliary branch thereof~~ who  
26 possesses a valid angling license, ~~may personally transport from this state not more~~  
27 ~~than one daily bag limit of trout.~~

28 (3) A person on active military duty with an auxiliary branch of the Armed Forces  
29 of the United States who possesses a valid angling license.

30 **Comment.** Section 2356 is amended for clarity.

31 The section is also amended to make technical corrections and add subdivision designations.

32 **Fish & Game Code § 2359 (amended). Striped bass**

33 SEC. \_\_\_\_ . Section 2359 of the Fish and Game Code is amended to read:

34 2359. Except as provided in Section 2363, ~~no~~ striped bass may be transported or  
35 carried out of or into this state, ~~except striped bass taken from the Colorado River~~  
36 ~~by sportfishing licensees to the extent and in the manner following~~ only as follows:

37 (a) A resident of California, or the holder of a valid nonresident California  
38 sportfishing license, lawfully taking ~~such fish on the waters~~ striped bass from the  
39 Colorado River or from the Arizona shore of ~~the~~ that river, may transport or carry  
40 ~~such fish~~ the fish taken into California.

1 (b) A resident of Arizona, or the holder of a valid nonresident Arizona  
2 sportfishing license, lawfully taking ~~such fish on the waters~~ striped bass from the  
3 Colorado River or from the California shore of ~~the~~ that river, may transport or carry  
4 ~~such fish~~ the fish taken into Arizona.

5 **Comment.** Section 2359 is amended for clarity.

6 **Fish & Game Code § 2541 (amended). Surety bond**

7 SEC. \_\_\_\_\_. Section 2541 of the Fish and Game Code is amended to read:

8 2541. Each applicant for a guide license shall submit proof of having obtained a  
9 surety bond in the amount of not less than one thousand dollars (\$1,000) ~~which shall~~  
10 ~~insure,~~ conditioned on faithful performance of the guide and ~~his or her~~ the guide's  
11 agents or employees in fulfilling their responsibilities to their clients. No guide  
12 license shall be issued to any applicant who does not submit proof of having a bond  
13 ~~which~~ that is valid for the term of the license.

14 **Comment.** Section 2541 is amended to delete obsolete material, make nonsubstantive technical  
15 changes, and make the section gender neutral.

16 **Fish & Game Code § 2576 (amended). Prohibitions**

17 SEC. \_\_\_\_\_. Section 2576 of the Fish and Game Code is amended to read:

18 2576. It is unlawful to knowingly capture for sale, transport for sale or sell wild  
19 rodents, except as provided in Article ~~1.5~~ 1 (commencing with Section 1000) of  
20 Chapter 3 of Division 2.

21 **Comment.** Section 2576 is amended to update a cross-reference to an article that was  
22 renumbered.

23 **Fish & Game Code § 2582 (amended). Administrative penalties for specified conduct**

24 SEC. \_\_\_\_\_. Section 2582 of the Fish and Game Code is amended to read:

25 2582. (a) The department may impose ~~civil liability~~ an administrative penalty  
26 upon any person pursuant to this chapter for any of the following acts done for profit  
27 or personal gain:

28 (1) Unlawfully export, import, transport, sell, possess, receive, acquire, or  
29 purchase, or unlawfully assist, conspire, or aid in the importing, exporting,  
30 transporting, sale, possession, receiving, acquisition, or purchasing of, any bird,  
31 mammal, amphibian, reptile, or fish which are taken or possessed in violation of this  
32 code or the regulations adopted pursuant to this code.

33 (2) Unlawfully export, import, transport, sell, possess, receive, acquire, or  
34 purchase, or unlawfully assist, conspire, or aid in the importing, exporting,  
35 transporting, sale, possession, receiving, acquisition, or purchasing of any plants,  
36 insects, or other species listed pursuant to the California Endangered Species Act  
37 (Chapter 1.5 (commencing with Section 2050)), which are taken or possessed in  
38 violation of this code or the regulations adopted pursuant to this code.

39 (3) Unlawfully export, import, transport, sell, possess, receive, acquire, or  
40 purchase any bird, mammal, amphibian, reptile, or fish, or any endangered or

1 threatened species, or any fully protected bird, mammal, or fish which has been  
2 taken, possessed, transported, or sold in violation of this code or the regulations  
3 adopted pursuant to this code.

4 (4) Unlawfully possess any bird, mammal, amphibian, reptile, or fish, or any  
5 endangered or threatened species, or any fully protected bird, mammal, or fish  
6 which has been taken, possessed, transported, or sold in violation of this code or any  
7 regulations adopted pursuant to this code within the maritime and territorial  
8 jurisdiction of the state or within the portions of the special maritime jurisdiction of  
9 the United States upon which the State of California exercises concurrent  
10 jurisdiction, either by statute, deputization, or by contract with the United States.

11 (5) Having exported, imported, transported, sold, purchased, or received any bird,  
12 mammal, amphibian, reptile, or fish, or any endangered or threatened species, or  
13 any fully protected bird, mammal, or fish, unlawfully make or submit any false  
14 record, account, label, or identification thereof.

15 (6) Attempt to commit any unlawful act, or unlawfully attempt to commit any act,  
16 described in paragraphs (1) to (5), inclusive.

17 (b) The department may impose ~~civil liability~~ an administrative penalty upon any  
18 person pursuant to this chapter for unlawfully exporting, importing, possessing,  
19 receiving, or transporting in interstate commerce any container or package  
20 containing any bird, mammal, amphibian, reptile, or fish, or any endangered or  
21 threatened species, or any fully protected bird, mammal, or fish unless the container  
22 or package has previously been plainly marked, labeled, or tagged in accordance  
23 with this code and the regulations adopted pursuant to this code.

24 (c) The department may impose ~~civil liability~~ an administrative penalty upon any  
25 person pursuant to this chapter for any unlawful failure or refusal to maintain any  
26 records or paperwork as required by this code.

27 **Comment.** Section 2582 is amended to replace references to “civil liability” with references to  
28 “an administrative penalty.” This is a nonsubstantive clarification.

29 **Fish & Game Code § 2583 (amended). Administrative penalties relating to endangered,  
30 threatened, or fully protected animals**

31 SEC. \_\_\_\_\_. Section 2583 of the Fish and Game Code is amended to read:

32 2583. (a) Except as provided in subdivision (b), any person who violates this code  
33 or any regulation adopted to carry out this code, and, with the exercise of due care,  
34 should have known that the birds, mammals, amphibians, reptiles, or fish, or the  
35 endangered or threatened species, or the fully protected birds, mammals, or fish  
36 were taken, possessed, transported, imported, received, purchased, acquired, or sold  
37 in violation of, or in a manner unlawful under, this code, may be assessed ~~a civil~~ an  
38 administrative penalty. The ~~civil~~ administrative penalty imposed under this chapter  
39 by the department shall not be more than ten thousand dollars (\$10,000) for each  
40 bird, mammal, amphibian, reptile, or fish, or for each endangered or threatened  
41 species, or each fully protected bird, mammal, or fish unlawfully taken, possessed,  
42 transported, imported, received, purchased, acquired, or sold. This ~~civil~~

1 administrative penalty may be in addition to any other penalty, civil or criminal,  
2 provided in this code or otherwise by law.

3 (b) No ~~civil~~ administrative penalties shall be imposed under this chapter until the  
4 guidelines for the imposition of the penalties are adopted by the commission  
5 pursuant to Section 500.

6 **Comment.** Section 2583 is amended to replace references to a “civil penalty” with references to  
7 an “administrative penalty.” This is a nonsubstantive clarification.

8 **Fish & Game Code § 2584 (amended). Procedure for imposition of administrative penalty**

9 SEC. \_\_\_\_. Section 2584 of the Fish and Game Code is amended to read:

10 2584. (a) Upon an actionable violation, the department shall consult, as to the  
11 appropriate civil or criminal remedy, with the district attorney in the jurisdiction  
12 where the violation was alleged to have occurred. Before proceeding with a civil  
13 action, the department shall seek the concurrence of the Attorney General.

14 ~~(b) The director shall appoint a qualified referee or hearing board, composed of~~  
15 ~~one or any combination of the following persons:~~

16 ~~(1) A qualified hearing officer, as defined in subdivision (a) of Section 2580.~~

17 ~~(2) A retired judge of the superior court who is knowledgeable in fish and wildlife~~  
18 ~~law.~~

19 ~~(3) A qualified neutral referee, appointed upon petition to the Superior Court in~~  
20 ~~which the violation was alleged to have occurred.~~

21 ~~(e)~~ The director, after investigation of the facts and circumstances, may issue a  
22 complaint to any person on whom a ~~civil~~ an administrative penalty may be imposed  
23 pursuant to Section 2582 or 2583. The complaint shall allege the acts or failures to  
24 act that constitute a basis for a ~~civil~~ an administrative penalty and the amount of the  
25 proposed ~~civil~~ administrative penalty. The complaint shall be served by personal  
26 service or certified mail and shall inform the person so served that a hearing shall  
27 be conducted within 60 days after the person has been served, unless the person  
28 waives the right to a hearing. If the person waives the right to a hearing, the  
29 department shall issue an order setting ~~liability~~ the penalty in the amount proposed  
30 in the complaint. If the person has waived the right to a hearing or if the department  
31 and the person have entered into a settlement agreement, the order shall be final.

32 (c) If the director issues a complaint pursuant to subdivision (a), the director shall  
33 appoint a qualified referee or hearing board, composed of one or any combination  
34 of the following persons:

35 (1) A qualified hearing officer, as defined in subdivision (a) of Section 2580.

36 (2) A retired judge of the superior court who is knowledgeable in fish and wildlife  
37 law.

38 (3) A qualified neutral referee, appointed upon petition to the superior court in  
39 which the violation was alleged to have occurred.

40 (d) Any hearing required under this section shall be conducted by ~~a~~ the appointed  
41 referee or hearing board according to the procedures specified in Sections 11507 to  
42 11517, inclusive, of the Government Code, except as otherwise provided in this

1 section. In making a determination, the ~~hearing officer~~ appointed referee or hearing  
2 board may consider the records of the department in the matter, the complaint, and  
3 any new facts brought to the ~~officer's~~ attention of the referee or hearing board by  
4 ~~that the person~~ served with the complaint. The ~~hearing officer~~ appointed referee or  
5 hearing board shall be the sole trier of fact as to the existence of a basis for liability  
6 under Section 2582 or 2583. The ~~hearing officer~~ appointed referee or hearing board  
7 shall make the determination of the facts of the case and shall prepare and submit  
8 the proposed decision, including a recommended penalty ~~assessment~~, to the director  
9 for the director's review and assistance in the penalty assessment process. The  
10 proposed decision is a public record and shall be served upon the person. The  
11 director may approve the proposed decision in its entirety, or the director may  
12 reduce the proposed penalty and adopt the balance of the proposed decision.

13 (e) The director may assess the ~~civil~~ recommended administrative penalty, ~~and~~  
14 ~~may~~ reduce the amount of the recommended penalty, or not impose any ~~assessment,~~  
15 ~~of civil penalties~~ administrative penalty, based upon the nature, circumstances,  
16 extent, and gravity of the prohibited acts alleged, and the degree of culpability of  
17 the violator; ~~or~~, the director may enter into a settlement agreement with the person  
18 served with the complaint in the best interests of the state or confirm the amount of  
19 ~~civil~~ administrative penalties contained in the complaint. If the director reduces the  
20 amount of the ~~civil~~ administrative penalty, does not impose the ~~civil~~ administrative  
21 penalty, or enters into a settlement agreement, the director shall seek the  
22 recommendation of the ~~hearing officer~~ appointed referee or hearing board and enter  
23 into the records of the case the reasons for that action, including the ~~hearing officer's~~  
24 recommendation of the appointed referee or hearing board. The decision of the  
25 director assessing the ~~civil~~ administrative penalty is final. ~~The proposed decision is~~  
26 ~~a public record and shall be served upon the person. The director may approve the~~  
27 ~~proposed decision in its entirety, or the director may reduce the proposed penalty~~  
28 ~~and adopt the balance of the proposed decision.~~

29 (f) Upon the final assessment of the ~~civil~~ administrative penalty, the department  
30 shall issue an order setting the amount of the ~~civil~~ administrative penalty to be  
31 imposed. An order setting ~~civil liability~~ the amount of an administrative penalty  
32 under this section becomes effective and final upon the issuance ~~thereof~~ of the order,  
33 and payment shall be made within 30 days of issuance. Copies of the order shall be  
34 served by personal service or by certified mail upon the person served with the  
35 complaint and upon other persons who appeared before the director and requested  
36 a copy. Copies of the order shall be provided to any person within 10 days of receipt  
37 of a written request from that person.

38 (g) Within 30 days after service of a copy of an order setting the amount of the  
39 ~~civil~~ administrative penalty, any person so served may file with the superior court a  
40 petition for a writ of mandate for review of the order. In all proceedings pursuant to  
41 this subdivision, the court shall exercise its independent judgment on the evidence  
42 in the whole record. The filing of a petition for a writ of mandate shall not stay any  
43 other civil or criminal action.

1 (h) The records of the case, after all appeals are final, are public records, as  
2 defined in Section 7920.530 of the Government Code.

3 **Comment.** Section 2584 is amended to replace references to a “civil penalty” or “civil liability”  
4 with references to an “administrative penalty,” and make other nonsubstantive clarifications.

5 **Fish & Game Code § 2585 (amended). Forfeiture not precluded by penalty**

6 SEC. \_\_\_\_\_. Section 2585 of the Fish and Game Code is amended to read:

7 2585. The ~~civil~~ administrative penalties imposed under this chapter are in addition  
8 to any forfeiture of equipment pursuant to Section 12157 or forfeiture of birds,  
9 mammals, amphibia, reptiles, or fish pursuant to Section 12159.

10 **Comment.** Section 2585 is amended to replace a reference to “civil penalties” with a reference  
11 to “administrative penalties.” This is a nonsubstantive clarification.

12 **Fish & Game Code § 2586 (amended). Reward**

13 SEC. \_\_\_\_\_. Section 2586 of the Fish and Game Code is amended to read:

14 2586. (a) The director may pay a reward from any funds available for that purpose  
15 to any person who furnished information which led to an arrest, a criminal  
16 conviction, an order of assessment of a ~~civil~~ administrative penalty, or for  
17 forfeiture of property for any violation of this code or any regulation adopted  
18 pursuant to this code. The amount of reward, if any, shall be designated by the  
19 director with the advice of the CalTIP Award Board.

20 (b) This chapter does not apply to any action brought to recover damages under  
21 Section 2014.

22 **Comment.** Section 2586 is amended to replace a reference to a “civil penalty” with a reference  
23 to an “administrative penalty.” This is a nonsubstantive clarification.

24 **Fish & Game Code § 2587 (amended). Enforcement of penalty**

25 SEC. \_\_\_\_\_. Section 2587 of the Fish and Game Code is amended to read:

26 2587. (a) Notwithstanding Section 12511 of the Government Code, the  
27 department may retain or appoint legal counsel to prepare and prosecute civil  
28 actions under this chapter.

29 (b) Any action to recover ~~civil~~ administrative penalties imposed under this chapter  
30 shall be commenced within three years after discovery of the commission of the  
31 offense.

32 **Comment.** Section 2587 is amended to replace a reference to “civil penalties” with a reference  
33 to “administrative penalties.” This is a nonsubstantive clarification.

34 **Fish & Game Code § 2588 (amended). Deposit of penalties and revenue**

35 SEC. \_\_\_\_\_. Section 2588 of the Fish and Game Code is amended to read:

36 2588. All ~~civil~~ administrative penalties and revenues from forfeitures collected  
37 pursuant to this chapter shall be deposited in the Fish and Game Preservation Fund.

38 **Comment.** Section 2588 is amended to replace a reference to a reference to “civil penalties”  
39 with a reference to “administrative penalties.” This is a nonsubstantive clarification.

1 **Fish & Game Code § 2854 (amended). Workgroup actions**

2 SEC. \_\_\_\_\_. Section 2854 of the Fish and Game Code is amended to read:

3 2854. The ~~workgroup~~ State Interagency Marine Managed Areas Workgroup shall,  
4 after appropriate consultation with members of the public, determine future actions  
5 for implementing the recommendations of its final report.

6 **Comment.** Section 2854 is amended to identify a workgroup referenced in the section.

7 **Fish & Game Code § 3004.5 (amended). Take within California condor range**

8 SEC. \_\_\_\_\_. Section 3004.5 of the Fish and Game Code, as amended by Section 3  
9 of Chapter 469 of the Statutes of 2022, is amended to read:

10 3004.5. (a)(1) Nonlead centerfire rifle and pistol ammunition, as determined by  
11 the commission, shall be required when taking big game, as defined in the  
12 department’s mammal hunting regulations (~~14 Cal. Code Regs. 350~~ Section 350 of  
13 Title 14 of the California Code of Regulations), with rifle or pistol, and when taking  
14 coyote, within the California condor range.

15 (2) For purposes of this section, “California condor range” means:

16 (A) The department’s deer hunting zone A South, but excluding Santa Cruz,  
17 Alameda, Contra Costa, San Mateo, and San Joaquin Counties, areas west of  
18 Highway 101 within Santa Clara County, and areas between Highway 5 and  
19 Highway 99 within Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern  
20 Counties.

21 (B) Areas within deer hunting zones D7, D8, D9, D10, D11, and D13.

22 (3) The requirements of this subdivision shall remain in effect in the California  
23 condor range unless and until the more restrictive nonlead prohibitions required  
24 pursuant to subdivision (b) are implemented.

25 (b) Except as provided in subdivision ~~(j)~~ (i), and as soon as is practicable as  
26 implemented by the commission pursuant to subdivision ~~(i)~~ (h), but by no later than  
27 July 1, 2019, nonlead ammunition, as determined by the commission, shall be  
28 required when taking all wildlife, including game mammals, game birds, nongame  
29 birds, and nongame mammals, with any firearm.

30 (c)(1) The commission shall maintain, by regulation, a public process to certify  
31 ammunition as nonlead ammunition, and shall define, by regulation, nonlead  
32 ammunition as including only ammunition in which there is no lead content,  
33 excluding the presence of trace amounts of lead. The commission shall establish and  
34 annually update a list of certified ammunition.

35 (2) The list of certified ammunition shall include, but not be limited to, any  
36 federally approved nontoxic shotgun ammunition.

37 (d)(1) To the extent that funding is available, the commission shall establish a  
38 process that will provide hunters with nonlead ammunition at no or reduced charge.  
39 The process shall provide that the offer for nonlead ammunition at no or reduced  
40 charge may be redeemed through a coupon sent to a permit holder with the  
41 appropriate permit tag. If available funding is not sufficient to provide nonlead  
42 ammunition at no charge, the commission shall set the value of the reduced charge

1 coupon at the maximum value possible through available funding, up to the average  
2 cost within this state for nonlead ammunition, as determined by the commission.

3 (2) The nonlead ammunition coupon program described in paragraph (1) shall be  
4 implemented only to the extent that sufficient funding, as determined by the  
5 Department of Finance, is obtained from local, federal, public, or other nonstate  
6 sources in order to implement the program.

7 ~~(3) If the nonlead ammunition coupon program is implemented, the commission~~  
8 ~~shall issue a report on the usage and redemption rates of ammunition coupons. The~~  
9 ~~report shall cover calendar years 2008, 2009, and 2012. Each report shall be issued~~  
10 ~~by June of the following year.~~

11 ~~(e) The commission shall issue a report on the levels of lead found in California~~  
12 ~~condors. This report shall cover calendar years 2008, 2009, and 2012. Each report~~  
13 ~~shall be issued by June of the following year.~~

14 ~~(f)~~ (e) The department shall notify those hunters who may be affected by this  
15 section.

16 ~~(g)~~ (f) A person who violates any provision of this section is guilty of an infraction  
17 punishable by a fine of five hundred dollars (\$500). A second or subsequent offense  
18 shall be punishable by a fine of not less than one thousand dollars (\$1,000) or more  
19 than five thousand dollars (\$5,000).

20 ~~(h)~~ (g) This section does not apply to government officials or their agents when  
21 carrying out a statutory duty required by law.

22 ~~(i)~~ (h) The commission shall promulgate regulations by July 1, 2015, that phase  
23 in the requirements of this section. The requirements of this section shall be fully  
24 implemented statewide by no later than July 1, 2019. If any of the requirements of  
25 this section can be implemented practicably, in whole or in part, in advance of July  
26 1, 2019, the commission shall implement those requirements. The commission shall  
27 not reduce or eliminate any existing regulatory restrictions on the use of lead  
28 ammunition in the California condor range unless or until the additional  
29 requirements for use of nonlead ammunition as required by this section are  
30 implemented.

31 ~~(j)~~ (i)(1) The prohibition in subdivision (b) shall be temporarily suspended for a  
32 specific hunting season and caliber upon a finding by the director that nonlead  
33 ammunition of a specific caliber is not commercially available from any  
34 manufacturer because of federal prohibitions relating to armor-piercing ammunition  
35 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United  
36 States Code.

37 (2) Notwithstanding a suspension pursuant to paragraph (1), nonlead ammunition  
38 shall be used when taking big game mammals, nongame birds, or nongame  
39 mammals in the California condor range, ~~as defined in subdivision (a).~~

40 ~~(k)~~ (j) This section shall remain in effect only until July 1, 2024, and as of that  
41 date is repealed.

42 **Comment.** Paragraph (3) of subdivision (d) of Section 3004.5, and subdivision (e), are deleted  
43 as obsolete.

1 The section is also amended to make technical revisions.

2 **Fish & Game Code § 3004.5 (amended). Take within California condor range**

3 SEC. \_\_\_\_ . Section 3004.5 of the Fish and Game Code, as added by Section 4 of  
4 Chapter 469 of the Statutes of 2022, is amended to read:

5 3004.5. (a)(1) Nonlead centerfire rifle and pistol ammunition, as determined by  
6 the commission, shall be required when taking big game, as defined in the  
7 department’s mammal hunting regulations (~~14 Cal. Code Regs. 350~~ Section 350 of  
8 Title 14 of the California Code of Regulations), with rifle or pistol, and when taking  
9 coyote, within the California condor range.

10 (2) For purposes of this section, “California condor range” means:

11 (A) The department’s deer hunting zone A South, but excluding Santa Cruz,  
12 Alameda, Contra Costa, San Mateo, and San Joaquin Counties, areas west of  
13 Highway 101 within Santa Clara County, and areas between Highway 5 and  
14 Highway 99 within Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern  
15 Counties.

16 (B) Areas within deer hunting zones D7, D8, D9, D10, D11, and D13.

17 (3) The requirements of this subdivision shall remain in effect in the California  
18 condor range unless and until the more restrictive nonlead prohibitions required  
19 pursuant to subdivision (b) are implemented.

20 (b) Except as provided in subdivision ~~(j)~~ (i), and as soon as is practicable as  
21 implemented by the commission pursuant to subdivision ~~(i)~~ (h), but by no later than  
22 July 1, 2019, nonlead ammunition, as determined by the commission, shall be  
23 required when taking all wildlife, including game mammals, exotic game mammals,  
24 game birds, nongame birds, and nongame mammals, with any firearm.

25 (c)(1) The commission shall maintain, by regulation, a public process to certify  
26 ammunition as nonlead ammunition, and shall define, by regulation, nonlead  
27 ammunition as including only ammunition in which there is no lead content,  
28 excluding the presence of trace amounts of lead. The commission shall establish and  
29 annually update a list of certified ammunition.

30 (2) The list of certified ammunition shall include, but not be limited to, any  
31 federally approved nontoxic shotgun ammunition.

32 (d)(1) To the extent that funding is available, the commission shall establish a  
33 process that will provide hunters with nonlead ammunition at no or reduced charge.  
34 The process shall provide that the offer for nonlead ammunition at no or reduced  
35 charge may be redeemed through a coupon sent to a permit holder with the  
36 appropriate permit tag. If available funding is not sufficient to provide nonlead  
37 ammunition at no charge, the commission shall set the value of the reduced charge  
38 coupon at the maximum value possible through available funding, up to the average  
39 cost within this state for nonlead ammunition, as determined by the commission.

40 (2) The nonlead ammunition coupon program described in paragraph (1) shall be  
41 implemented only to the extent that sufficient funding, as determined by the

1 Department of Finance, is obtained from local, federal, public, or other nonstate  
2 sources in order to implement the program.

3 ~~(3) If the nonlead ammunition coupon program is implemented, the commission~~  
4 ~~shall issue a report on the usage and redemption rates of ammunition coupons. The~~  
5 ~~report shall cover calendar years 2008, 2009, and 2012. Each report shall be issued~~  
6 ~~by June of the following year.~~

7 ~~(e) The commission shall issue a report on the levels of lead found in California~~  
8 ~~condors. This report shall cover calendar years 2008, 2009, and 2012. Each report~~  
9 ~~shall be issued by June of the following year.~~

10 ~~(f) (e)~~ The department shall notify those hunters who may be affected by this  
11 section.

12 ~~(g) (f)~~ A person who violates any provision of this section is guilty of an infraction  
13 punishable by a fine of five hundred dollars (\$500). A second or subsequent offense  
14 shall be punishable by a fine of not less than one thousand dollars (\$1,000) or more  
15 than five thousand dollars (\$5,000).

16 ~~(h) (g)~~ This section does not apply to government officials or their agents when  
17 carrying out a statutory duty required by law.

18 ~~(i) (h)~~ The commission shall promulgate regulations by July 1, 2015, that phase  
19 in the requirements of this section. The requirements of this section shall be fully  
20 implemented statewide by no later than July 1, 2019. If any of the requirements of  
21 this section can be implemented practicably, in whole or in part, in advance of July  
22 1, 2019, the commission shall implement those requirements. The commission shall  
23 not reduce or eliminate any existing regulatory restrictions on the use of lead  
24 ammunition in the California condor range unless or until the additional  
25 requirements for use of nonlead ammunition as required by this section are  
26 implemented.

27 ~~(j) (i)(1)~~ The prohibition in subdivision (b) shall be temporarily suspended for a  
28 specific hunting season and caliber upon a finding by the director that nonlead  
29 ammunition of a specific caliber is not commercially available from any  
30 manufacturer because of federal prohibitions relating to armor-piercing ammunition  
31 pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United  
32 States Code.

33 (2) Notwithstanding a suspension pursuant to paragraph (1), nonlead ammunition  
34 shall be used when taking big game mammals, exotic game mammals, nongame  
35 birds, or nongame mammals in the California condor range, ~~as defined in~~  
36 ~~subdivision (a).~~

37 ~~(k) (j)~~ This section shall become operative on July 1, 2024.

38 **Comment.** Paragraph (3) of subdivision (d) of Section 3004.5, and subdivision (e), are deleted  
39 as obsolete.

40 The section is also amended to make technical revisions.

41 **Fish & Game Code § 3049 (amended). Legislative declaration**

42 SEC. \_\_\_\_\_. Section 3049 of the Fish and Game Code is amended to read:

1 3049. (a) It is the intent of the Legislature in enacting this article to ensure the  
2 health and safety of its citizens engaged in activities requiring the use of hunting  
3 implements.

4 (b) The Legislature finds and declares that individuals who engage in hunting  
5 should possess an adequate understanding of hunter safety practices, principles of  
6 conservation, and ~~sportsmanship~~ positive sporting behavior.

7 (c) It is also the intent of the Legislature that persons so engaged be mindful of  
8 their responsibilities to others, toward wildlife, and toward their natural  
9 environment. The department shall take all steps necessary to carry out the  
10 provisions of this article.

11 **Comment.** Section 3049 is amended to make the section gender neutral, and add subdivision  
12 designations.

13 **Fish & Game Code § 3051 (amended). Hunter instruction**

14 SEC. \_\_\_\_ . Section 3051 of the Fish and Game Code is amended to read:

15 3051. (a) The department shall provide for a course of instruction in hunter  
16 education, principles of conservation, and ~~sportsmanship~~ positive sporting behavior,  
17 and for this purpose may cooperate with any reputable association or organization  
18 having as one of its objectives the promotion of hunter safety, principles of  
19 conservation, and ~~sportsmanship~~ positive sporting behavior.

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

22 (c) A hunter education instructor shall issue a certificate of completion as  
23 provided by the department to a person who completes a course of instruction in  
24 hunter safety, principles of conservation, and ~~sportsmanship~~ positive sporting  
25 behavior.

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

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

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

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

38 (2) The Shared Habitat Alliance for Recreational Enhancement (SHARE)  
39 program described in Article 3 (commencing with Section 1570) of Chapter 5 of  
40 Division 2.

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

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

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

5 (g) The department shall determine eligibility criteria for hunter education  
6 instructors seeking the hunting opportunities offered pursuant to subdivision (f). The  
7 department shall offer hunting opportunities to eligible hunter education instructors  
8 only by random drawing.

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

10 **Comment.** Section 3051 is amended to make the section gender neutral.

11 **Fish & Game Code § 3200 (amended). License requirement**

12 SEC. \_\_\_\_. Section 3200 of the Fish and Game Code is amended to read:

13 3200. Any person engaged in raising or importing, or who keeps in captivity, in  
14 this state domesticated game birds or domesticated game mammals which normally  
15 exist in the wild in this state shall procure a domesticated game breeder's license if  
16 the birds or mammals are kept more than 30 days after acquisition. No license is,  
17 however, required of any of the following:

18 (a) Licensed pheasant clubs, ~~except to the extent provided in Section 3283.~~

19 (b) Licensed domesticated migratory game bird shooting areas as defined in  
20 Article 4 (commencing with Section 3300) of Chapter 2 of Part 1 of Division 4.

21 (c) Keepers of hotels, restaurants, boardinghouses, or clubs serving the meat of  
22 those birds or mammals for actual consumption on the premises.

23 (d) Retail meat dealers selling ~~such~~ that meat to customers for actual consumption.

24 (e) Public zoological gardens possessing those birds or mammals for exhibition  
25 purposes or for the purpose of disposing of the birds or mammals by sale, exchange,  
26 or donation to other public zoological gardens.

27 **Comment.** Subdivision (a) of Section 3200 is amended to delete a cross-reference to a repealed  
28 code section.

29 Subdivision (d) is amended to make a technical correction.

30 **Fish & Game Code § 3270 (amended). Game bird club**

31 SEC. \_\_\_\_. Section 3270 of the Fish and Game Code is amended to read:

32 3270. ~~(a)~~ In order to provide additional hunting by stocking domestically  
33 propagated game birds, and to permit the taking of game birds under conditions that  
34 will not conflict with the public interest, any person who owns or controls the  
35 hunting rights on a tract of land may apply to the department for a game bird club  
36 license authorizing the taking of game birds upon that land in accordance with the  
37 regulations of the commission for the administration, including the implementation  
38 and enforcement, of this section.

39 ~~(b) This section shall become operative on July 1, 1995.~~

40 **Comment.** Section 3270 is amended to delete obsolete material.

1 **Fish & Game Code § 3407 (amended). Marking of animal taken in area**

2 SEC. \_\_\_\_\_. Section 3407 of the Fish and Game Code is amended to read:

3 3407. (a) The commission may require that any fish, bird, or mammal taken in a  
4 wildlife habitat enhancement and management area licensed pursuant to this article  
5 be marked for identification with a distinctive tag or seal issued by the department  
6 prior to being removed from the area.

7 (b) A deer tag shall be countersigned by a person ~~who is authorized to countersign~~  
8 ~~deer tags pursuant to Section 372 of Title 14 of the California Code of Regulations~~  
9 authorized to do so by Section 4341.

10 (c) Any fish, bird, or mammal so identified may be possessed and transported at  
11 any time during the period for which the tag or seal is valid.

12 (d) The fees for tags and seals shall be established by the commission in amounts  
13 which, in conjunction with fees collected pursuant to Section 3402, are calculated  
14 to meet the actual costs incurred by the department in administering all aspects of  
15 the habitat enhancement and management program.

16 **Comment.** Section 3407 is amended to correct and clarify an erroneous cross-reference.  
17 The section is also amended to add subdivision designations.

18 **Fish & Game Code § 3462 (amended). Recordation of contract**

19 SEC. \_\_\_\_\_. Section 3462 of the Fish and Game Code is amended to read:

20 3462. (a) Not later than 20 days after the director has entered into a contract  
21 pursuant to this ~~division~~ article, a copy of the contract particularly describing the  
22 subject habitat as required by subdivision (a) of Section 3461 shall be recorded by  
23 the department in the office of the county recorder in each county in which any  
24 portion of the areas subject to the contract is located. The contract shall be indexed  
25 by the recorder in the grantor-grantee index to the name of the owner of record as  
26 grantor and to the department as grantee.

27 (b) Notwithstanding Section 27383 of the Government Code, the department shall  
28 pay the fees for recording and indexing the contract, and the department shall deduct  
29 the amount paid from the amounts due to the owner under the contract.

30 **Comment.** Section 3462 is amended to correct an erroneous cross-reference.

31 **Fish & Game Code § 3466 (amended). Modification of terms**

32 SEC. \_\_\_\_\_. Section 3466 of the Fish and Game Code is amended to read:

33 3466. The director and the owner or lessee may mutually agree to modify the  
34 terms and conditions of a contract under this ~~division~~ article as the director may  
35 determine to be desirable to carry out the purposes of, or to facilitate administration  
36 of, the program.

37 **Comment.** Section 3466 is amended to correct an erroneous cross-reference.

38 **Fish & Game Code § 3500 (amended). Upland game bird**

39 SEC. \_\_\_\_\_. Section 3500 of the Fish and Game Code is amended to read:

40 3500. (a) Resident game birds are as follows:

1 (1) Doves of the genus *Streptopelia*, including, but not limited to, spotted doves,  
2 ringed turtledoves, and Eurasian collared-doves.

3 (2) California quail and varieties thereof.

4 (3) Gambel's or desert quail.

5 (4) Mountain quail and varieties thereof.

6 (5) Sooty or blue grouse and varieties thereof.

7 (6) Ruffed grouse.

8 (7) Sage hens or sage grouse.

9 (8) Hungarian partridges.

10 (9) Red-legged partridges including the chukar and other varieties.

11 (10) Ring-necked pheasants and varieties thereof.

12 (11) Wild turkeys of the order Galliformes.

13 (12) White-tailed ptarmigan.

14 (b) Migratory game birds are as follows:

15 (1) Ducks and geese.

16 (2) Coots and gallinules.

17 (3) Jacksnipe.

18 (4) Western mourning doves.

19 (5) White-winged doves.

20 (6) Band-tailed pigeons.

21 (c) References in this code to "game birds" means both resident game birds and  
22 migratory game birds.

23 **Comment.** Subdivision (a) of Section 3500 is amended to include the white-tailed ptarmigan as  
24 a resident game bird. This is consistent with existing law and practice. See Section 3683(a)(8)  
25 ("resident game bird" includes white tailed ptarmigan). See also 14 Cal. Code Reg. §§ 257, 313  
26 (white-tailed ptarmigan regulated as upland game bird).

27 **Fish & Game Code § 3680 (amended). Pigeon**

28 SEC. \_\_\_\_\_. Section 3680 of the Fish and Game Code is amended to read:

29 3680. ~~Any (a) Except as provided in subdivision (b), any person, other than the~~  
30 ~~owner thereof, who at any time, by any means or in any manner,~~ purposely takes  
31 any racing pigeon that at the time of taking is currently registered with a recognized  
32 organization, is guilty of a misdemeanor. ~~However, the~~

33 (b) This section does not apply to either of the following:

34 (1) The taking of a registered racing pigeon by its owner.

35 (2) The incidental take of a registered racing pigeons with the pigeon while  
36 shooting or taking of a wild band-tailed pigeons pigeon or a domestic pigeons  
37 pigeon (Columba livia), is not a violation of this section.

38 **Comment.** Section 3680 is amended for clarity, and to add subdivision designations.

39 **Fish & Game Code § 3681 (amended). Take of duck or goose in District 8 and 9**

40 SEC. \_\_\_\_\_. Section 3681 of the Fish and Game Code is amended to read:

1 3681. (a) In Districts 8 and 9, it is unlawful to take ~~ducks or geese in any manner~~  
2 a duck or goose below the incoming or outgoing tidewater's edge, or from any blind,  
3 boat, floating device, island, islet, or exposed tidal flat ~~except~~ .

4 (b) Subdivision (a) does not apply on Saturdays, Sundays, Wednesdays, holidays,  
5 and the opening and closing days during the prescribed open season ~~except that~~ .

6 (c) Notwithstanding subdivision (a), the use of boats is permitted to retrieve  
7 crippled or dead birds.

8 **Comment.** Section 3681 is amended for clarity. The section is also amended to add subdivision  
9 designations.

10 **Fish & Game Code § 3700.1 (amended). Required validation**

11 SEC. \_\_\_\_ . Section 3700.1 of the Fish and Game Code is amended to read:

12 3700.1. (a) It is unlawful for any person, except a person licensed pursuant to  
13 paragraph (2) of subdivision (a) of Section 3031, to take ~~any migratory game bird,~~  
14 ~~except jacksnipe, coots, gallinules, western mourning doves, white-winged doves,~~  
15 ~~and band-tailed pigeons,~~ a duck or goose without first procuring a state duck hunting  
16 validation as provided in subdivision (b), and having that validation in their  
17 possession while taking those birds.

18 (b)(1) State duck hunting validations shall be sold for a fee of ten dollars (\$10),  
19 as adjusted pursuant to Section 713, by the department and by license agents, who  
20 are authorized by the department pursuant to Section 1055.1, in the same manner as  
21 hunting licenses.

22 (2) In addition to the fee imposed pursuant to paragraph (1), a fee of ten dollars  
23 (\$10) is hereby imposed to obtain a state duck hunting validation, as adjusted  
24 pursuant to Section 713.

25 **Comment.** Subdivision (a) of Section 3700.1 is amended to simplify without substantive change  
26 a reference to the migratory game birds subject to the subdivision.

27 **Fish & Game Code § 3702.5 (amended). Duck stamp**

28 SEC. \_\_\_\_ . Section 3702.5 of the Fish and Game Code is amended to read:

29 3702.5. The department may permit individual artists to sell a limited number of  
30 prints of duck stamp related artwork or posters.

31 ~~This section shall become operative on July 1, 1993.~~

32 **Comment.** Section 3702.5 is amended to delete obsolete material.

33 **Fish & Game Code § 3704 (amended). Duck stamp fee**

34 SEC. \_\_\_\_ . Section 3704 of the Fish and Game Code is amended to read:

35 3704. Two dollars and twenty-five cents (\$2.25) of the amount collected by the  
36 department for each state duck stamp sold shall be allocated by the commission for  
37 the purposes of the North American Waterfowl Management Plan in those areas of  
38 Canada from which come substantial numbers of waterfowl migrating to, or  
39 through, California. These funds shall be matched with federal or private funds  
40 available for that purpose. The available balance of the funds shall be used for any

1 project authorized pursuant to Section 3702 in California. However, any lands  
2 acquired in California with those funds shall be open to waterfowl hunting as a  
3 public shooting ground or wildlife management area.

4 ~~This section shall become operative on July 1, 1993.~~

5 **Comment.** Section 3704 is amended to delete obsolete material.

6 **Fish & Game Code § 3704.5 (amended). Waterfowl projects**

7 SEC. \_\_\_\_\_. Section 3704.5 of the Fish and Game Code is amended to read:

8 3704.5. Waterfowl projects authorized pursuant to Sections 3702 and 3460 are  
9 not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public  
10 Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of Division  
11 4 of the Military and Veterans Code. With the approval of the entity in control of  
12 property affected by a project, the department may make grants to, or enter into  
13 contracts with, nonprofit organizations for the accomplishment of those projects, or  
14 the department may reimburse the controlling entity for its costs of accomplishing  
15 the project.

16 ~~This section shall become operative on July 1, 1993.~~

17 **Comment.** Section 3704.5 is amended to delete obsolete material.

18 **Fish & Game Code § 3801 (amended). Take or possession of English sparrow or starling**

19 SEC. \_\_\_\_\_. Section 3801 of the Fish and Game Code is amended to read:

20 3801. (a) Except as provided in Section 3000 and this section, the following  
21 nongame birds may be taken or possessed at any time:

22 (1) English sparrow (*Passer domesticus*).

23 (2) Starling (*Sturnus vulgaris*).

24 (b) Notwithstanding Section 3007 or any other provision of this code or  
25 regulations made pursuant thereto regulation adopted pursuant to this code requiring  
26 the possession of a hunting license, a landowner or lessee, or an agent of either in  
27 immediate possession of written authority from the landowner or lessee, shall not  
28 be required to obtain a hunting license or a depredation permit to take the following  
29 nongame birds a nongame bird listed in subdivision (a) on land owned or leased by  
30 the landowner or lessee. Hunters otherwise

31 (c) All other persons taking the following nongame birds a nongame bird listed in  
32 subdivision (a) shall be licensed pursuant to Section 3007. The following nongame  
33 birds taken in compliance with this section may be taken and possessed by any  
34 person at any time, except as provided in Section 3000:

35 (a) English sparrows (*Passer domesticus*).

36 (b) Starlings (*Sturnus vulgaris*).

37 **Comment.** Section 3801 is amended for clarity. The section is also amended to add subdivision  
38 designations.

39 **Fish & Game Code § 3801.6 (amended). Possession of parts of nongame bird**

40 SEC. \_\_\_\_\_. Section 3801.6 of the Fish and Game Code is amended to read:

1 3801.6. (a) Except as otherwise provided in this code or regulations ~~made~~  
2 ~~pursuant thereto~~ adopted pursuant to this code, it is unlawful to possess the carcass,  
3 skin, or ~~parts~~ other part of any nongame bird. The feathers, carcass, skin, or parts of  
4 any nongame bird possessed by any person in violation of any of the provisions of  
5 this code shall be seized by the department and delivered to a California Native  
6 American tribal government or a scientific or educational institution, used by the  
7 department, or destroyed.

8 (b)(1) It shall be an affirmative defense to a violation of this section if the  
9 possessor of feathers, carcass, skin, or ~~parts~~ other part of a nongame bird legally  
10 acquired the feathers, carcass, skin, or ~~parts~~ other part, possesses them for tribal,  
11 cultural, or spiritual purposes, and satisfies either of the following criteria:

12 (A) The possessor is an enrolled member of a federally recognized Native  
13 American tribe or nonfederally recognized California Native American tribe listed  
14 on the California Tribal Consultation List maintained by the Native American  
15 Heritage Commission ~~who~~ and has, in ~~his or her~~ their immediate possession, valid  
16 tribal identification or other irrefutable proof of current enrollment.

17 (B) The possessor has a certificate of degree of Indian blood issued by the United  
18 States Bureau of Indian Affairs in ~~his or her~~ their immediate possession.

19 (2) Nothing in this section allows any person to sell the feathers, carcass, skin, or  
20 other part of a nongame bird ~~feathers, carcasses, skins, or parts. Native Americans~~  
21 ~~meeting the~~ .

22 (3) A Native American satisfying the criteria that would constitute an affirmative  
23 defense requirements under paragraph (1) may salvage dead nongame birds so long  
24 as the person salvaging ~~these birds~~ the nongame bird does not possess, nor is in the  
25 company of any person who possesses, a firearm, BB device as defined in Section  
26 16250 of the Penal Code, trap, snare, net archery equipment, device capable of  
27 discharging a projectile, or any apparatus designed to take ~~birds~~ a bird.

28 (4) Salvaging shall not take place by any person involved in the take of the  
29 nongame bird to be salvaged, any person present at the time of the take, or by any  
30 person who received related information originating from any person present at the  
31 time of the take of the nongame bird.

32 (5) Salvaging pursuant to this subdivision shall not take place if a bird has been  
33 struck with any thrown or discharged projectile, or trapped, netted, caught, or  
34 snared.

35 (c) Notwithstanding subdivisions (a) and (b), ~~any~~ an officer deputized pursuant to  
36 this code may interrupt ~~any~~ an ongoing salvaging of a dead nongame ~~carcasses,~~  
37 ~~feathers, skins, or parts~~ bird carcass, feathers, skin, or part if, in the officer's  
38 judgment, the activity causes a public disruption, safety hazard, or is detrimental to  
39 the ability of the department to prevent a possible violation of this section. ~~The~~ In  
40 that event, the officer may seize ~~any of the salvaged feathers, carcasses, skins, or~~  
41 ~~parts and has the option of returning them~~ the carcass, feathers, skin, or part being  
42 salvaged, or may return the carcass, feathers, skin, or part to the general location  
43 from where ~~they were~~ it had been salvaged.

1 **Comment.** Section 3801.6 is amended to clarify the intended meaning of the section, and make  
2 the section gender neutral.

3 **Fish & Game Code § 3960 (amended). Use of dog to pursue specified mammals**

4 SEC. \_\_\_\_ . Section 3960 of the Fish and Game Code is amended to read:

5 3960. (a) As used in this section:

6 (1) “Pursue” means pursue, run, or chase.

7 (2) “Bear” means any black bear (*Ursus americanus*) found in the wild in this  
8 state.

9 (b) It is unlawful to permit or allow any dog to pursue any big game mammal  
10 during the closed season on that mammal, to pursue any fully protected, rare, or  
11 endangered mammal at any time, to pursue any bear or bobcat at any time, or to  
12 pursue any mammal in a game refuge or ecological reserve if hunting within that  
13 refuge or ecological reserve is unlawful.

14 (c) ~~(1)~~ The department may take any of the following actions:

15 ~~(A)~~ (1) Capture any dog not under the reasonable control of its owner or handler,  
16 when that uncontrolled dog is pursuing, in violation of this section, any of the  
17 following mammals:

18 (A) A big game mammal, ~~any~~ .

19 (B) A bear or bobcat, ~~or any~~ .

20 (C) A fully protected, rare, or endangered mammal.

21 ~~(B)~~ (2) Capture or dispatch any dog inflicting injury or immediately threatening  
22 to inflict injury to any of the following mammals, under the specified conditions:

23 (A) A big game mammal, during the closed season on that mammal, ~~and the~~  
24 ~~department may capture or dispatch any dog inflicting injury or immediately~~  
25 ~~threatening to inflict injury on any~~ .

26 (B) A bear or bobcat, at any time, ~~or any~~ .

27 (C) A fully protected, rare, or endangered mammal, at any time.

28 ~~(C)~~ (3) ~~Capture or dispatch any dog inflicting injury or immediately threatening to~~  
29 ~~inflict injury to any~~

30 (D) A mammal in a game refuge or ecological reserve, if hunting within that  
31 refuge or ecological reserve is unlawful.

32 ~~(2)~~ (d) No criminal or civil liability shall accrue to any department employee as a  
33 result of enforcement of this section.

34 ~~(3)~~ (e) This section does not apply to the use of dogs to pursue bears or bobcats  
35 by federal, state, or local law enforcement officers, or their agents or employees,  
36 when carrying out official duties as required by law.

37 ~~(4) Owners of dogs with~~ (f) If a dog captured or dispatched pursuant to this section  
38 has identification, that have been captured or dispatched, its owner shall be notified  
39 within 72 hours after capture or dispatch.

40 **Comment.** Section 3960 is amended to clarify the intended meaning of the section.

1 **Fish & Game Code § 3961 (amended). Seizure or dispatch generally**

2 SEC. \_\_\_\_\_. Section 3961 of the Fish and Game Code is amended to read:

3 3961. (a) Whenever an employee of the department is not present to carry out the  
4 provisions of Section 3960 with respect to any dog inflicting injury or immediately  
5 threatening to inflict injury to any deer, elk, or prong-horned antelope during the  
6 closed season for these mammals, any property owner, lessee, person holding a  
7 permit for the purpose of grazing livestock, or ~~his or her~~ their employee, may seize  
8 or dispatch the dog if it is found on ~~his or her~~ their land or premises without the  
9 permission of the person who is in immediate possession of the land. If the dog has  
10 on it any readily visible identification tag or license tag as prescribed by Section  
11 30951 of the Food and Agricultural Code, and the dog is found in the act of  
12 immediately threatening to injure deer, elk, or prong-horned antelope, the dog may  
13 only be dispatched under this section if the dog has, and the owner has been notified  
14 that the dog has, previously threatened any of these species.

15 (b) No action, civil or criminal, shall be maintained for a dog lawfully seized or  
16 dispatched pursuant to this ~~article~~ section.

17 (c) The owner of a dog shall be notified within 72 hours of the seizure or  
18 dispatching of that dog under this section if it had the identification tag or license  
19 tag which is required pursuant to Section 30951 of the Food and Agricultural Code.

20 **Comment.** Section 3961 is amended to fix an incorrect cross-reference, add subdivision  
21 designations, and make the section gender neutral.

22 **Fish & Game Code § 4004 (amended). Trapping restrictions**

23 SEC. \_\_\_\_\_. Section 4004 of the Fish and Game Code is amended to read:

24 4004. It is unlawful to do any of the following:

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

27 (b) Set or maintain ~~traps~~ a trap that ~~do~~ does not bear a number or other identifying  
28 mark ~~registered to the department or, in the case of federal, state, county, or city~~  
29 ~~agency, bear the name of that agency, except that traps as provided in this~~  
30 subdivision. If the trap is set pursuant to Section 4152 or 4180, it shall bear an  
31 identifying mark in a manner specified by the department. In all other cases, the trap  
32 shall bear a number or other identifying mark registered to the department, or, in the  
33 case of federal, state, county, or city agency, bear the name of that agency. No  
34 registration fee shall be charged pursuant to this subdivision.

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

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

1     (2) Notwithstanding paragraph (1), a lawfully set conibear trap that is 10 inches  
2 by 10 inches or less may be set pursuant to subdivision (g) of Section 465.5 of Title  
3 14 of the California Code of Regulations, unless prohibited by the department as a  
4 permit condition.

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

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

19     **Comment.** Section 4004 is amended for clarity.

20     **Fish & Game Code § 4154 (amended). Agreements relating to control of harmful nongame**  
21 **mammals**

22     SEC. \_\_\_\_ . Section 4154 of the Fish and Game Code is amended to read:

23     4154. (a) The department may enter into cooperative contracts with the United  
24 States Fish and Wildlife Service in the Department of the Interior ~~in relation to the~~  
25 ~~control of nongame mammals and for that the purpose of controlling or eradicating~~  
26 any nongame mammal, and may expend any money made available to the  
27 department for ~~expenditure for the control or eradication of nongame mammals that~~  
28 purpose.

29     (b) This section does not apply to bobcats.

30     **Comment.** Section 4154 is amended for clarity.

31     **Fish & Game Code § 4180.1 (amended). Immature depredator mammal in den**

32     SEC. \_\_\_\_ . Section 4180.1 of the Fish and Game Code is amended to read:

33     4180.1. (a) It is unlawful to ~~use snares, hooks, or~~ do either of the following to an  
34 immature depredator mammal while it is in its den:

35     (1) Use a snare, hook, or barbed wire to remove the mammal from the den, or .

36     (2) Use fire to kill the mammal in the den, any immature depredator mammal.

37     (b) Nothing in this section shall prohibit the use of fire-ignited gas cartridges or  
38 other products registered or permitted under the Federal Insecticide, Fungicide, and  
39 Rodenticide, and Fungicide Act (7 U.S.C. 135 136 et seq.).

40     **Comment.** Section 4180.1 is amended for clarity, and to correct and update an erroneous  
41 reference.

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

1 **Fish & Game Code § 4180.2 (added). “Wild pigs”**

2 SEC. \_\_\_\_\_. Section 4180.2 is added to the Fish and Game Code, to read:

3 4180.2. As used in this article, “wild pigs” has the meaning set forth in Section  
4 4650.

5 **Comment.** Section 4180.2 is added to incorporate in the article in which the section is located  
6 the definition of the term “wild pigs” set forth in Section 4650.

7 **Fish & Game Code § 4181.1 (amended). Protection of property**

8 SEC. \_\_\_\_\_. Section 4181.1 of the Fish and Game Code is amended to read:

9 4181.1. (a) Any bear that is encountered while in the act of inflicting injury to,  
10 molesting, or killing, livestock may be taken immediately by the owner of the  
11 livestock or the owner’s employee if the taking is reported no later than the next  
12 working day to the department and the carcass is made available to the department.

13 (b) Notwithstanding Section 4652, any wild pig that is encountered while in the  
14 act of inflicting injury to, molesting, pursuing, worrying, or killing livestock or  
15 damaging or destroying, or threatening to immediately damage or destroy, land or  
16 other property, including, but not limited to, rare, threatened, or endangered native  
17 plants, wildlife, or aquatic species, may be taken immediately by the owner of the  
18 livestock, land, or property or the owner’s agent or employee, or by an agent or  
19 employee of any federal, state, county, or city entity when acting in ~~his or her~~ their  
20 official capacity. The person taking the wild pig shall report the taking no later than  
21 the next working day to the department and shall make the carcass available to the  
22 department. Unless otherwise directed by the department and notwithstanding  
23 Section 4657, the person taking a wild pig pursuant to this subdivision, or to whom  
24 the carcass of a wild pig taken pursuant to this subdivision is transferred pursuant  
25 to subdivision (c), may possess the carcass of the wild pig. The person in possession  
26 of the carcass shall make use of the carcass, which may include an arrangement for  
27 the transfer of the carcass to another person or entity, such as a nonprofit  
28 organization, without compensation. The person who arranges this transfer shall be  
29 deemed to be in compliance with Section 4304. ~~A violation of this subdivision is~~  
30 ~~punishable pursuant to Section 12000.~~ It is the intent of the Legislature that nothing  
31 in this subdivision shall be interpreted to authorize a person to take wild pigs  
32 pursuant to this subdivision in violation of a state statute or regulation or a local  
33 zoning or other ordinance that is adopted pursuant to other provisions of law and  
34 that restricts the discharge of firearms.

35 (c) The department shall make a record of each report made pursuant to  
36 subdivision (a) or (b) and may have an employee of the department investigate the  
37 taking or cause the taking to be investigated. The person taking a wild pig shall  
38 provide information as deemed necessary by the department. Upon completion of  
39 the investigation, the investigator may, upon a finding that the requirements of this  
40 section have been met with respect to the particular bear or wild pig taken under  
41 subdivision (a) or (b), issue a written statement to the person confirming that the

1 requirements of this section have been met. The person who took the wild pig may  
2 transfer the carcass to another person without compensation.

3 (d) Notwithstanding Section 4763, any part of any bear lawfully possessed  
4 pursuant to this section is subject to Section 4758.

5 (e) Nothing in this section prohibits federal, state, or county trappers from killing  
6 or trapping bears when the bears are killing or molesting livestock, but no iron-  
7 jawed or steel-jawed or any type of metal-jawed trap shall be used to take the bear,  
8 and no person, including employees of the state, federal, or county government,  
9 shall take bear with iron-jawed or steel-jawed or any type of metal-jawed traps.

10 **Comment.** Subdivision (b) of Section 4181.1 is amended to delete a superfluous sentence, and  
11 make the section gender neutral.

12 **Fish & Game Code § 4181.5 (amended). Permit to take deer**

13 SEC. \_\_\_\_ . Section 4181.5 of the Fish and Game Code is amended to read:

14 4181.5. (a) Any owner or tenant of land or property that is being damaged or  
15 destroyed or is in immediate danger of being damaged or destroyed by deer may  
16 apply to the department for a permit to kill those deer. The department, upon  
17 satisfactory evidence of ~~that~~ actual or immediately threatened damage or  
18 ~~destruction, actual or immediately threatened,~~ shall, pursuant to regulations adopted  
19 by the commission, issue a revocable permit for the taking and disposition of those  
20 deer, for a designated period not to exceed 60 days ~~under regulations promulgated~~  
21 ~~by the commission.~~

22 (b) The regulations of the commission shall include provisions concerning the  
23 type of weapons to be used to kill the deer. The weapons shall be those as will ensure  
24 humane killing, but the regulations of the commission shall provide for the use of a  
25 sufficient variety of weapons to permit the designation of particular types to be used  
26 in any particular locality commensurate with the need to protect persons and  
27 property. Firearms using .22-caliber rimfire cartridges may be used only when  
28 authorized by the director or ~~his~~ the director's designee. No pistols shall be used.

29 (c) The caliber and type of weapon to be used by each permittee shall be specified  
30 in each permit by the issuing officer who shall take into consideration the location  
31 of the area, the necessity for clean kills, the safety factor, local firearms ordinances,  
32 and other factors that apply. Rifle ammunition used shall have expanding bullets;  
33 shotgun ammunition shall have only single slugs, or, if authorized by the  
34 department, 0 or 00 buckshot.

35 (e) ~~(d)~~ The ~~The~~ At the time a permit is issued pursuant to subdivision (a), the  
36 department shall issue tags similar to those provided for in Section 4331 ~~at the same~~  
37 ~~time the permit is issued. A permittee under this section~~ The permittee shall carry  
38 the tags while hunting the deer for which the permit was issued, and upon ~~the~~ killing  
39 ~~of~~ any deer, shall immediately ~~fill~~ do all of the following:

40 (1) Fill out both parts of the tag, and clearly punch out ~~clearly~~ the date of the kill.

41 ~~One~~

1     (2) Attach one part of the completed tag shall be immediately attached to the  
2 antlers of antlered deer, or to the ear of any other deer, and kept keep that part of the  
3 tag attached to the deer until 10 days after the permit has expired. The

4     (3) Obtain a countersignature on the other part of the tag shall be immediately sent  
5 to the department after it has been countersigned by any person authorized by  
6 pursuant to Section 4341.

7     (4) Send the countersigned part of the tag to the department.

8     ~~(d)~~ (e) A permit issued pursuant to this section may be renewed only after a  
9 finding by the department that further damage has occurred or will occur, unless  
10 that permit is renewed. A person seeking renewal of the permit pursuant to this  
11 subdivision shall account do all of the following:

12     (1) Account for all prior tags previously issued at the time he or she received any  
13 with all prior permits, and if .

14     (2) If any previously issued tags are unused, he or she shall show either that of the  
15 following:

16     (A) That any deer previously killed pursuant to a previously issued permit could  
17 not reasonably be have been tagged or why .

18     (B) Why the killing was not accomplished within the allotted time allotted for that  
19 killing, and why that the killing would be accomplished under a new time period.

20     **Comment.** Section 4181.5 is amended for clarity, and to add a subdivision designation and  
21 paragraph designations.

22     The section is also amended to make it gender neutral.

23 **Fish & Game Code § 4188 (amended). Access by licensed hunters for depredator control**

24     SEC. \_\_\_\_\_. Section 4188 of the Fish and Game Code is amended to read:

25     4188. (a) If a landowner or tenant applies for a permit under Section 4181 ~~for~~ to  
26 take wild pigs or wild turkeys, or under Section 4181.5 for to take deer, the  
27 department shall notify the landowner or tenant inform the applicant about available  
28 options for allowing access by licensed hunters, including, but not limited to, access  
29 authorized pursuant to Article 3 (commencing with Section 1570) of Chapter 5 of  
30 Division 2 to control wild pigs, wild turkeys, and deer.

31     (b) The commission, in lieu of a permit as described in subdivision (a), and with  
32 the consent of, or upon the request of, the landowner or tenant, ~~under~~ may pursuant  
33 to appropriate regulations, may regulation authorize the issuance of permits to  
34 persons holding valid hunting licenses to take wild pigs, wild turkeys, or deer in  
35 sufficient numbers to stop the damage or threatened damage. Before issuing permits  
36 to licensed hunters, the department shall investigate and determine the number of  
37 permits necessary, the territory involved, the dates of the proposed hunt, the manner  
38 of issuing the permits, and the fee for the permit.

39     **Comment.** Section 4188 is amended for clarity.

40 **Fish & Game Code § 4301 (amended). Commercial use of deer meat**

41     SEC. \_\_\_\_\_. Section 4301 of the Fish and Game Code is amended to read:

1 4301. (a) ~~Subject to the provisions of this code permitting the sale of domestically~~  
2 ~~raised game mammals, As used in this section, “deer” includes any animal of the~~  
3 ~~family Cervidae.~~

4 (b) ~~Except as otherwise provided in this section, it is unlawful to sell or purchase,~~  
5 ~~or transport for the purpose of sale, any deer meat in this state, whether fresh,~~  
6 ~~smoked, canned, or preserved by any means, except fallow.~~

7 (c) The prohibition in subdivision (b) does not apply to the following:

8 (1) Conduct authorized by provisions of this code permitting the sale of  
9 domestically raised game mammals.

10 (2) Fallow deer meat processed by a slaughterer in accordance with Chapter 4  
11 (commencing with Section 18650) of, and Chapter 4.1 (commencing with Section  
12 18940) of, Part 3 of Division 9 of the Food and Agricultural Code, and except that  
13 deer meat may be .

14 (3) Deer meat imported into this state from a foreign country for the purpose of  
15 processing (manufacturing) preparing and selling for human consumption a product  
16 commonly known and properly labeled as venison or jerky, deer jerky or venison  
17 salami, or deer salami, properly labeled as such, for human consumption.

18 (d) All deer meat imported into this state shall meet all of the sanitary and  
19 inspection requirements for wholesomeness, except an antemortem inspection, but  
20 including a postmortem inspection, as required for other meat imported for human  
21 consumption.

22 (e) The deer meat shall be in an identifiable condition and accompanied by a bill  
23 of lading, showing the name of the consignor, the consignee, and the weight of the  
24 deer meat shipped. A copy of the bill of lading shall be delivered to the nearest office  
25 of the department either prior to, or not later than, two days from the date of receipt  
26 of the deer meat.

27 (f) No ~~such~~ deer meat imported into this state may leave the premises of the  
28 original consignee unless written permission is received from the department, or  
29 unless it is processed into the form of the product commonly known as jerky or  
30 salami.

31 (b) ~~As used in this section, “deer” includes any animal of the family Cervidae.~~

32 **Comment.** Section 4301 is amended for clarity, and to add additional subdivision and paragraph  
33 designations.

34 **Fish & Game Code § 4302 (amended). Retention of deer head**

35 SEC. \_\_\_\_. Section 4302 of the Fish and Game Code is amended to read:

36 4302. Any person taking any a deer shall retain ~~in his~~ possession ~~during the open~~  
37 ~~season thereon, and for 15 days thereafter, of~~ that portion of the deer’s head ~~which~~  
38 that in adult males normally bears the antlers, during the open season for that deer  
39 and for 15 days thereafter, and shall produce the designated that portion of the head  
40 upon the demand of any officer authorized to enforce the provisions of this code.

41 **Comment.** Section 4302 is amended for clarity, and to eliminate a gendered pronoun.

1 **Fish & Game Code § 4304 (amended). Waste**

2 SEC. \_\_\_\_ . Section 4304 of the Fish and Game Code, as amended by Section 20  
3 of Chapter 469 of the Statutes of 2022, is amended to read:

4 4304. (a) A No person shall ~~not at any time~~ capture or destroy any deer and detach  
5 or remove from the carcass only the head, hide, antlers, or horns; ~~nor shall any~~ .

6 (b) No person ~~at any time~~ shall leave through carelessness or neglect leave  
7 game mammal or game bird that is in ~~their~~ that person's possession, or any ~~portion~~  
8 of the flesh ~~thereof~~ of that animal usually eaten by humans, to go needlessly to  
9 waste.

10 (c) The provisions of this section shall do not apply to game mammals taken ~~under~~  
11 ~~the authority of~~ pursuant to Section 4152.

12 (b) (d) This section shall remain in effect only until July 1, 2024, and as of that  
13 date is repealed.

14 **Comment.** Section 4304 is amended for clarity.

15 **Fish & Game Code § 4304 (amended). Waste**

16 SEC. \_\_\_\_ . Section 4304 of the Fish and Game Code, as added by Section 21 of  
17 Chapter 469 of the Statutes of 2022, is amended to read:

18 4304. (a) A No person shall ~~not at any time~~ capture or destroy any deer and detach  
19 or remove from the carcass only the head, hide, antlers, or horns.

20 (b) A No person shall ~~not at any time~~ leave through carelessness or neglect leave  
21 any game mammal, exotic game mammal, or game bird that is in ~~their~~ that person's  
22 possession, or any ~~portion~~ of the flesh of that animal usually eaten by humans, to go  
23 needlessly to waste.

24 (c) ~~This~~ The provisions of this section does do not apply to game mammals taken  
25 pursuant to Section 4152.

26 (d) This section shall become operative on July 1, 2024.

27 **Comment.** Section 4304 is amended for clarity.

28 **Fish & Game Code § 4332 (amended). Deer tag**

29 SEC. \_\_\_\_ . Section 4332 of the Fish and Game Code is amended to read:

30 4332. (a) Any resident of this state, 12 years of age or over, who possesses a valid  
31 hunting license, may procure one tag for the taking of one deer by one person during  
32 the current license year, upon payment of the base fee of ten dollars (\$10) for the  
33 license year beginning July 1, 1986, and the base fee as adjusted under Section 713  
34 for subsequent license years.

35 (b) Any nonresident of this state, 12 years of age or over, who possesses a valid  
36 hunting license, may procure one tag for the taking of one deer by one person during  
37 the current license year, upon payment of the base fee of one hundred dollars (\$100)  
38 for the license year beginning July 1, 1986, and the base fee as adjusted under  
39 Section 713 for subsequent license years.

40 (c) If provided in regulations adopted by the commission under Section 200, any  
41 resident of this state, 12 years of age or over, who possesses a deer tag may procure

1 one additional deer tag for the taking of one additional deer during the current  
2 license season, upon payment of the base fee of twelve dollars and fifty cents  
3 (\$12.50) for the license years beginning July 1, 1986, and the base fee as adjusted  
4 under Section 713 for subsequent license years.

5 (d) If provided in regulations adopted by the commission under Section 200, any  
6 nonresident of this state, 12 years of age or over, who possesses a deer tag may  
7 procure one additional deer tag for the taking of one additional deer during the  
8 current license season, upon payment of the base fee of one hundred dollars (\$100)  
9 for the license year beginning July 1, 1986, and the base fee as adjusted under  
10 Section 713 for subsequent license years.

11 ~~(e) All revenues pursuant to this section shall be deposited in the Big Game  
12 Management Account established in Section 3953 and, upon appropriation by the  
13 Legislature, shall be expended as set forth in that section.~~

14 **Comment.** Section 4332 is amended to delete duplicative material. See Section 3953(b).

15 **Fish & Game Code § 4341 (amended). Countersigning**

16 SEC. \_\_\_\_ . Section 4341 of the Fish and Game Code is amended to read:

17 4341. Any person legally killing a deer in this state shall have the tag for that deer  
18 countersigned by a person employed ~~in~~ by the department, a person designated for  
19 ~~this~~ that purpose by the commission, ~~or by~~ a notary public, a postmaster,  
20 ~~postmistress,~~ a peace officer, or an officer authorized to administer oaths, before  
21 transporting ~~such~~ the deer, except ~~for the purpose of taking it to transport the deer~~  
22 to the nearest person authorized to countersign the tag, on the route being followed  
23 ~~from the point from~~ where the deer is taken to that person.

24 **Comment.** Section 4341 is amended for clarity.

25 **Fish & Game Code § 4651 (amended). Management plan**

26 SEC. \_\_\_\_ . Section 4651 of the Fish and Game Code is amended to read:

27 4651. (a) The department shall, upon appropriation by the Legislature for that  
28 purpose, prepare a plan for the management of wild pigs. Under the plan, the status  
29 and trend of wild pig populations shall be determined and management units shall  
30 be designated within the state. The plan may establish pig management zones to  
31 address regional needs and opportunities. In preparing the plan, the department shall  
32 consider available, existing information and literature relative to wild pigs.

33 (b) The plan may include all of the following:

34 (1) The distribution and abundance of wild pigs, as described in Section 3950.

35 (2) A survey of range conditions.

36 (3) Recommendations for investigations and utilization of wild pigs.

37 (4) Encouraging mitigation of depredation by sport hunting pursuant to this  
38 chapter.

1 (5) Live trapping and relocation of wild pigs to areas suitable and accessible to  
2 mitigation of depredation, with the consent of the landowner and after prior  
3 consultation with adjacent landowners who, in the department's opinion, may be  
4 impacted, ~~pursuant to this chapter.~~

5 (c) This section shall remain in effect only until July 1, 2024, and as of that date  
6 is repealed.

7 **Comment.** Paragraph (5) of subdivision (b) of Section 4651 is amended for clarity.

8 **Fish & Game Code § 4654 (amended). Obtaining tag**

9 SEC. \_\_\_\_\_. Section 4654 of the Fish and Game Code, as amended by Section 31  
10 of Chapter 469 of the Statutes of 2022, is amended to read:

11 4654. (a) Any resident of this state, To obtain a wild pig tag, a person must be 12  
12 years of age or older, who possesses and possess a valid hunting license, or if a  
13 nonresident, a valid California nonresident hunting license.

14 (b) A person authorized to obtain a wild pig tag may procure obtain the number  
15 of wild pig tags corresponding to the number of wild pigs that may legally be taken  
16 by one person during the license year, upon payment of a base fee of fifteen dollars  
17 (\$15), for each wild pig tag, as follows:

18 (1) For a resident of the state, fifteen dollars (\$15).

19 (2) For a nonresident, fifty dollars (\$50).

20 (b) Any nonresident, 12 years of age or older, who possesses a valid California  
21 nonresident hunting license, may procure the number of wild pig tags corresponding  
22 to the number of wild pigs that may legally be taken by one person during the license  
23 year upon payment of a base fee of fifty dollars (\$50), for each wild pig tag.

24 (c) The base fees specified in this section are applicable to the 2004 license year,  
25 and shall be adjusted annually thereafter pursuant to Section 713.

26 (d) This section shall remain in effect only until July 1, 2024, and as of that date  
27 is repealed.

28 **Comment.** Section 4654 is amended for clarity.

29 **Fish & Game Code § 4654 (amended). Obtaining tag**

30 SEC. \_\_\_\_\_. Section 4654 of the Fish and Game Code, as added by Section 32 of  
31 Chapter 469 of the Statutes of 2022, is amended to read:

32 4654. (a) Any resident of this state, To obtain a wild pig validation, a person must  
33 be 12 years of age or older, who possesses and possess a valid hunting license, or  
34 if a nonresident, a valid California nonresident hunting license.

35 (b) A person authorized to obtain a wild pig validation may procure obtain a wild  
36 pig validation upon payment of a base fee of twenty-five dollars (\$25) for the  
37 license year beginning July 1, 2024, and the base fee as adjusted under Section 713  
38 for subsequent license years, as follows:

39 (1) For a resident of the state, twenty-five dollars (\$25).

40 (2) For a nonresident, ninety dollars (\$90).

1 (b) Any nonresident, 12 years of age or older, who possesses a valid California  
2 hunting license, may procure a wild pig validation upon payment of a base fee of  
3 ninety dollars (\$90) for the license year beginning July 1, 2024, and the base fee as  
4 adjusted under Section 713 for subsequent license years.

5 (c) The base fees specified in this section are applicable for the license year  
6 beginning July 1, 2024, and shall be adjusted under Section 713 for subsequent  
7 license years.

8 ~~(e)~~ (d) This section shall become operative on July 1, 2024.

9 **Comment.** Section 4654 is amended for clarity.

10 **Fish & Game Code § 4656 (repealed). Revenue deposit and management**

11 SEC. \_\_\_\_\_. Section 4656 of the Fish and Game Code is repealed.

12 ~~4656. Revenues received pursuant to this chapter shall be deposited in the Big~~  
13 ~~Game Management Account established in Section 3953. These funds shall be~~  
14 ~~available for expenditure by the department as set forth in Section 3953. The~~  
15 ~~department shall maintain all internal accounting measures necessary to ensure that~~  
16 ~~all restrictions on these funds are met.~~

17 **Comment.** Section 4656 is repealed as superfluous. See Section 3953.

18 **Fish & Game Code § 4755 (amended). Countersigning**

19 SEC. \_\_\_\_\_. Section 4755 of the Fish and Game Code is amended to read:

20 4755. Any person legally killing a bear in this state shall have the tag for that bear  
21 countersigned by a fish and game commissioner, a person employed in the  
22 department, a person designated for this that purpose by the commission, or by a  
23 notary public, a postmaster, postmistress, a peace officer, or by an officer authorized  
24 to administer oaths, before transporting that the bear, except for the purpose of  
25 taking it to transport the bear to the nearest officer person authorized by this section  
26 to countersign the tag, on the route being followed from the point from  
27 where the bear is taken to that person.

28 **Comment.** Section 4755 is amended for clarity.

29 **Fish & Game Code § 4757 (amended). Retention of skin and head**

30 SEC. \_\_\_\_\_. Section 4757 of the Fish and Game Code is amended to read:

31 4757. Any person taking any a bear must retain in his possession of the skin of  
32 the bear and the portion of the bear's head that includes both ears, during the open  
33 season thereon, for that bear and for 15 days thereafter, the skin and portion of the  
34 head bearing the ears, and must produce the skin and that portion of the head upon  
35 the demand of any officer authorized to enforce the provisions of this code.

36 **Comment.** Section 4757 is amended for clarity, and to eliminate a gendered pronoun.

37 **Fish & Game Code § 5500 (amended). Explosives**

38 SEC. \_\_\_\_\_. Section 5500 of the Fish and Game Code is amended to read:

1 5500. It is unlawful to use explosives in the waters of ~~this~~ the state inhabited by  
2 fish, except ~~under~~ in one of the following circumstances:

3 (a) Pursuant to a permit first obtained by the user from the department, consistent  
4 with terms and conditions set by the commission, ~~or except in case of~~ . The  
5 department's decision to grant or deny a permit may be appealed to the commission  
6 by any person.

7 (b) In an emergency, to remove an accidental obstruction to the flow of water.  
8 ~~Any person may appeal the department's decision to grant or deny a permit to the~~  
9 ~~commission.~~

10 **Comment.** Section 5500 is amended for clarity, and to add subdivision designations.

11 **Fish & Game Code § 5507 (amended). Fish spear or gaff**

12 SEC. \_\_\_\_ . Section 5507 of the Fish and Game Code is amended to read:

13 5507. (a) It is unlawful for any person to possess, ~~except in his home, any~~ a fish  
14 spear or gaff within 300 feet of ~~any~~ a lake or stream in this ~~State~~ state, at ~~any~~ a time  
15 when spearing is prohibited in ~~such~~ that lake or stream.

16 (b) This section does not apply to ~~the possession~~ either of the following acts:

17 (1) Possession of a gaff carried as an accessory while angling.

18 (2) Possession of a fish spear or gaff in one's own home.

19 **Comment.** Section 5507 is amended for clarity.

20 **Fish & Game Code § 5522 (amended). Abalone recovery and management plan**

21 SEC. \_\_\_\_ . Section 5522 of the Fish and Game Code is amended to read:

22 5522. (a) On or before January 1, 2003, the department shall submit to the  
23 commission a comprehensive abalone recovery and management plan. The plan  
24 shall contain all of the following:

25 (1) An explanation of the scientific knowledge regarding the biology, habitat  
26 requirements, and threats to abalone.

27 (2) A summary of the interim and long-term recovery goals, including a range of  
28 alternative interim and long-term conservation and management goals and  
29 activities. The department shall report why it prefers the recommended activities.

30 (3) Alternatives for allocating harvest between sport and commercial divers if the  
31 allocation of the abalone harvest is warranted.

32 (4) An estimate of the time and costs required to meet the interim and long-term  
33 recovery goals for the species, including available or anticipated funding sources,  
34 and an initial projection of the time and costs associated with meeting the final  
35 recovery goals. An implementation schedule shall also be included.

36 (5) An estimate of the time necessary to meet the interim recovery goals and  
37 triggers for review and amendment of strategy.

38 (6) A description of objective measurable criteria by which to determine whether  
39 the goals and objectives of the recovery strategy are being met and procedures for  
40 recognition of successful recovery. These criteria and procedures shall include, but  
41 not be limited to, the following:

1 (A) Specified abundance and size frequency distribution criteria for former  
2 abalone beds within suitable habitat not dominated by sea otters.

3 (B) Size frequency distributions exhibiting multiple size classes as necessary to  
4 ensure continued recruitment into fishable stock.

5 (C) The reproductive importance to the entire ecosystem of those areas proposed  
6 for reopening to harvest and the potential impact of each reopening on the recovery  
7 of abalone population in adjacent areas.

8 (b) Where appropriate, the recovery and management plan may include the  
9 following:

10 (1) A network of no-take abalone reserves.

11 (2) A total allowable catch, reflecting the long-term yield each species is capable  
12 of sustaining, using the best available science and bearing in mind the ecological  
13 importance of the species and the variability of marine ecosystems.

14 (3) A permanent reduction in harvest.

15 (c) Funding to prepare the recovery and management plan and any planning and  
16 scoping meetings shall be derived from the fees collected for ~~the abalone stamp~~  
17 an abalone report card or stamp.

18 (d) On or before January 1, 2008, and following the adoption of the recovery and  
19 management plan by the commission, the department may apply to the commission  
20 to reopen sport or commercial fishing in all or any portion of the waters described  
21 in Section 5521. If the commission makes a finding that the resource can support  
22 additional harvest activities and that these activities are consistent with the abalone  
23 recovery plan, all or a portion of the waters described in Section 5521 may be  
24 reopened and management measures prescribed and implemented, as appropriate.  
25 The commission may close or, where appropriate, may establish no-take marine  
26 refuges in any area opened pursuant to this section if it makes a finding that this  
27 action is necessary to comply with the abalone management plan.

28 (e) If the commission determines that commercial fishing is an appropriate  
29 management measure, priority for participation in the fishery shall be given to those  
30 persons who held a commercial abalone permit during the 1996–97 permit year.

31 **Comment.** Subdivision (c) of Section 5522 is amended to revise a reference to fees collected for  
32 an abalone stamp to also include fees collected for an abalone report card.

33 **Fish & Game Code § 5650.1 (amended). Specified punishments**

34 SEC. \_\_\_\_\_. Section 5650.1 of the Fish and Game Code is amended to read:

35 5650.1. (a) A person who violates Section 5650 is subject to a civil penalty of not  
36 more than twenty-five thousand dollars (\$25,000) for each violation.

37 (b) The civil penalty imposed for each separate violation pursuant to this section  
38 is separate, and in addition to, any other civil penalty imposed for a separate  
39 violation pursuant to this section or any other provision of law, except as provided  
40 in subdivision (j).

41 (c) In determining the amount of a civil penalty imposed pursuant to this section,  
42 the court shall take into consideration all relevant circumstances, including, but not

1 limited to, the nature, circumstance, extent, and gravity of the violation. In making  
2 this determination, the court shall consider the degree of toxicity and volume of the  
3 discharge, the extent of harm caused by the violation, whether the effects of the  
4 violation may be reversed or mitigated, and with respect to the defendant, the ability  
5 to pay, the effect of any civil penalty on the ability to continue in business, any  
6 voluntary cleanup efforts undertaken, any prior history of violations, the gravity of  
7 the behavior, the economic benefit, if any, resulting from the violation, and any  
8 other matters the court determines justice may require.

9 (d)(1) Every civil action brought under this section shall be brought by the  
10 Attorney General, district attorney, or city attorney in the name of the people of the  
11 State of California, and any actions relating to the same violation may be joined or  
12 consolidated.

13 (2) A civil action alleging a violation resulting from unlicensed cannabis  
14 cultivation may be brought by a county counsel in the name of the people of the  
15 State of California.

16 (e) In a civil action brought pursuant to this ~~chapter~~ section in which a temporary  
17 restraining order, preliminary injunction, or permanent injunction is sought, it is not  
18 necessary to allege or prove at any stage of the proceeding that irreparable damage  
19 will occur if the temporary restraining order, preliminary injunction, or permanent  
20 injunction is not issued, or that the remedy at law is inadequate.

21 (f) After the party seeking the injunction has met its burden of proof, the court  
22 shall determine whether to issue a temporary restraining order, preliminary  
23 injunction, or permanent injunction without requiring the defendant to prove that it  
24 will suffer grave or irreparable harm. The court shall make the determination  
25 whether to issue a temporary restraining order, preliminary injunction, or permanent  
26 injunction by taking into consideration, among other things, the nature,  
27 circumstance, extent, and gravity of the violation, the quantity and characteristics of  
28 the substance or material involved, the extent of environmental harm caused by the  
29 violation, measures taken by the defendant to remedy the violation, the relative  
30 likelihood that the material or substance involved may pass into waters of the state,  
31 and the harm likely to be caused to the defendant.

32 (g) The court, to the maximum extent possible, shall tailor a temporary restraining  
33 order, preliminary injunction, or permanent injunction narrowly to address the  
34 violation in a manner that will otherwise allow the defendant to continue business  
35 operations in a lawful manner.

36 (h) All civil penalties collected pursuant to this section shall not be considered  
37 fines or forfeitures as defined in Section 13003 and shall be apportioned in the  
38 following manner:

39 (1) Fifty percent shall be distributed to the county treasurer of the county in which  
40 the action is prosecuted. Amounts paid to the county treasurer shall be deposited in  
41 the county fish and wildlife propagation fund established pursuant to Section 13100.

42 (2) Fifty percent shall be distributed to the department for deposit in the Fish and  
43 Game Preservation Fund. These funds may be expended to cover the costs of legal

1 actions or for any other law enforcement purpose consistent with Section 9 of  
2 Article XVI of the California Constitution.

3 (i) Except as provided in subdivision (j), in addition to any other penalty provided  
4 by law, a person who violates Section 5650 is subject to a civil penalty of not more  
5 than ten dollars (\$10) for each gallon or pound of material discharged. The total  
6 amount of the civil penalty shall be reduced for every gallon or pound of the illegally  
7 discharged material that is recovered and properly disposed of by the responsible  
8 party.

9 (j) A person shall not be subject to a civil penalty imposed under this section and  
10 to a civil penalty imposed pursuant to Article 9 (commencing with Section 8670.57)  
11 of Chapter 7.4 of Division 1 of Title 2 of the Government Code for the same act or  
12 failure to act.

13 **Comment.** Subdivision (e) of Section 5650.1 is amended to revise an overbroad reference.

14 **Fish & Game Code § 5653 (amended). Vacuum or suction dredging**

15 SEC. \_\_\_\_ . Section 5653 of the Fish and Game Code is amended to read:

16 5653. (a) The use of vacuum or suction dredge equipment by a person in a river,  
17 stream, or lake of this state is prohibited, except as authorized under a permit issued  
18 to that person by the department in compliance with the regulations adopted  
19 pursuant to Section 5653.9. Before a person uses vacuum or suction dredge  
20 equipment in a river, stream, or lake of this state, that person shall submit an  
21 application to the department for a permit to use the vacuum or suction dredge  
22 equipment, specifying the type and size of equipment to be used and other  
23 information as the department may require pursuant to regulations adopted by the  
24 department to implement this section.

25 (b)(1) The department shall not issue a permit for the use of vacuum or suction  
26 dredge equipment until the permit application is deemed complete. A complete  
27 permit application shall include any other permit required by the department and  
28 one of the following, as applicable:

29 (A) A copy of waste discharge requirements or a waiver of waste discharge  
30 requirements issued by the State Water Resources Control Board or a regional water  
31 quality control board in accordance with Division 7 (commencing with Section  
32 13000) of the Water Code.

33 (B) A copy of a certification issued by the State Water Resources Control Board  
34 or a regional water quality control board and a permit issued by the United States  
35 Army Corps of Engineers in accordance with Sections 401 and 404 of the Federal  
36 Water Pollution Control Act (33 U.S.C. Secs. 1341 and 1344, respectively) to use  
37 vacuum or suction dredge equipment.

38 (C) If the State Water Resources Control Board or the appropriate regional water  
39 quality control board determines that waste discharge requirements, a waiver of  
40 waste discharge requirements, or a certification in accordance with Section 1341 of  
41 Title 33 of the United States Code is not necessary for the applicant to use of vacuum  
42 or suction dredge equipment, a letter stating this determination signed by the

1 Executive Director of the State Water Resources Control Board, the executive  
2 officer of the appropriate regional water quality control board, or their designee.

3 (c) Under the regulations adopted pursuant to Section 5653.9, the department shall  
4 designate waters or areas wherein vacuum or suction dredge equipment may be used  
5 pursuant to a permit, waters or areas closed to the use of that equipment, the  
6 maximum size of the vacuum or suction dredge equipment that may be used, and  
7 the time of year when the equipment may be used. If the department determines,  
8 pursuant to the regulations adopted pursuant to Section 5653.9, that the use of  
9 vacuum or suction dredge equipment does not cause any significant effects to fish  
10 and wildlife, it shall issue a permit to the applicant. If a person uses vacuum or  
11 suction dredge equipment other than as authorized by a permit issued by the  
12 department consistent with regulations ~~implementing this section~~ adopted pursuant  
13 to Section 5653.9, that person is guilty of a misdemeanor.

14 (d)(1) Except as provided in paragraph (2), the department shall issue a permit  
15 upon the payment, in the case of a resident, of a base fee of twenty-five dollars  
16 (\$25), as adjusted under Section 713, when an onsite investigation of the project  
17 size is not deemed necessary by the department, and a base fee of one hundred thirty  
18 dollars (\$130), as adjusted under Section 713, when the department deems that an  
19 onsite investigation is necessary. Except as provided in paragraph (2), in the case of  
20 a nonresident, the base fee shall be one hundred dollars (\$100), as adjusted under  
21 Section 713, when an onsite investigation is not deemed necessary, and a base fee  
22 of two hundred twenty dollars (\$220), as adjusted under Section 713, when an onsite  
23 investigation is deemed necessary.

24 (2) The department may adjust the base fees for a permit described in this  
25 subdivision to an amount sufficient to cover all reasonable costs of the department  
26 in regulating suction dredging activities.

27 (e) It is unlawful to possess a vacuum or suction dredge in areas, or in or within  
28 100 yards of waters, that are closed to the use of vacuum or suction dredges.

29 (f) A permit issued by the department under this section shall not authorize an  
30 activity in violation of other applicable requirements, conditions, or prohibitions  
31 governing the use of vacuum or suction dredge equipment, including those adopted  
32 by the State Water Resources Control Board or a regional water quality control  
33 board. The department, the State Water Resources Control Board, and the regional  
34 water quality control boards shall make reasonable efforts to share information  
35 among the agencies regarding potential violations of requirements, conditions, or  
36 prohibitions governing the use of vacuum or suction dredge equipment.

37 (g) For purposes of this section and Section 5653.1, the use of vacuum or suction  
38 dredge equipment, also known as suction dredging, is the use of a mechanized or  
39 motorized system for removing or assisting in the removal of, or the processing of,  
40 material from the bed, bank, or channel of a river, stream, or lake in order to recover  
41 minerals. This section and Section 5653.1 do not apply to, prohibit, or otherwise  
42 restrict nonmotorized recreational mining activities, including panning for gold.

1 **Comment.** Subdivision (c) of Section 5653 is amended to more precisely identify regulations  
2 referenced in that subdivision.

3 **Fish & Game Code § 5653.1 (amended). Moratorium and regulation review**

4 SEC. \_\_\_\_ . Section 5653.1 of the Fish and Game Code is amended to read:

5 5653.1. (a) The issuance of permits to operate vacuum or suction dredge  
6 equipment is a project pursuant to the California Environmental Quality Act  
7 (Division 13 (commencing with Section 21000) of the Public Resources Code) and  
8 permits may only be issued, and vacuum or suction dredge mining may only occur  
9 as authorized by any existing permit, if the department has caused to be prepared,  
10 and certified the completion of, an environmental impact report for the project  
11 pursuant to the court order and consent judgment entered in the case of Karuk Tribe  
12 of California et al. v. California Department of Fish and Game et al., Alameda  
13 County Superior Court Case No. RG 05211597.

14 (b) Notwithstanding Section 5653, the use of any vacuum or suction dredge  
15 equipment in any river, stream, or lake of this state is prohibited until the director  
16 certifies to the Secretary of State that all of the following have occurred:

17 (1) The department has completed the environmental review of its existing suction  
18 dredge mining regulations, as ordered by the court in the case of Karuk Tribe of  
19 California et al. v. California Department of Fish and Game et al., Alameda County  
20 Superior Court Case No. RG 05211597.

21 (2) The department has transmitted for filing with the Secretary of State pursuant  
22 to Section 11343 of the Government Code, a certified copy of new regulations  
23 adopted, as necessary, pursuant to Chapter 3.5 (commencing with Section 11340)  
24 of Part 1 of Division 3 of Title 2 of the Government Code.

25 (3) The new regulations described in paragraph (2) are operative.

26 (4) The new regulations described in paragraph (2) fully mitigate all identified  
27 significant environmental impacts.

28 (5) A fee structure is in place that will fully cover all costs to the department  
29 related to the administration of the program.

30 ~~(c)(1) To facilitate its compliance with subdivision (b), the department shall~~  
31 ~~consult with other agencies as it determines to be necessary, including, but not~~  
32 ~~limited to, the State Water Resources Control Board, the State Department of Public~~  
33 ~~Health, and the Native American Heritage Commission, and, on or before April 1,~~  
34 ~~2013, shall prepare and submit to the Legislature a report with recommendations on~~  
35 ~~statutory changes or authorizations that, in the determination of the department, are~~  
36 ~~necessary to develop the suction dredge regulations required by paragraph (2) of~~  
37 ~~subdivision (b), including, but not limited to, recommendations relating to the~~  
38 ~~mitigation of all identified significant environmental impacts and a fee structure that~~  
39 ~~will fully cover all program costs.~~

40 ~~(2) The requirement for submitting a report imposed under this subdivision is~~  
41 ~~inoperative on January 1, 2017, pursuant to Section 10231.5 of the Government~~  
42 ~~Code.~~

1 ~~(3) The report submitted to the Legislature pursuant to this subdivision shall be~~  
2 ~~submitted in accordance with Section 9795 of the Government Code.~~

3 ~~(d)~~ (c) The Legislature finds and declares that this section, as added during the  
4 2009–10 Regular Session, applies solely to vacuum and suction dredging activities  
5 conducted for instream mining purposes. This section does not expand or provide  
6 new authority for the department to close or regulate suction dredging conducted  
7 for regular maintenance of energy or water supply management infrastructure, flood  
8 control, or navigational purposes governed by other state or federal law.

9 ~~(e)~~ (d) This section does not prohibit or restrict nonmotorized recreational mining  
10 activities, including panning for gold.

11 **Comment.** Section 5653.1 is amended to delete subdivision (c) of the section as obsolete.

12 **Fish & Game Code § 5654 (amended). Fishing closure**

13 SEC. \_\_\_\_ . Section 5654 of the Fish and Game Code is amended to read:

14 5654. (a)(1) Notwithstanding Section 5523 and except as provided in paragraph  
15 (2), the director, within 24 hours of notification of a spill or discharge, as those terms  
16 are defined in Section 8670.3 of the Government Code, where any fishing, including  
17 all commercial, recreational, and nonlicensed subsistence fishing, may take place,  
18 or where aquaculture operations are taking place, shall close to the take of all fish  
19 and shellfish all waters in the vicinity of the spill or discharge or where the spilled  
20 or discharged material has spread, or is likely to spread. In determining where a spill  
21 or discharge is likely to spread, the director shall consult with the Administrator of  
22 the Office of Spill Prevention and Response. At the time of closure, the department  
23 shall make all reasonable efforts to notify the public of the closure, including  
24 notification to commercial and recreational fishing organizations, and posting of  
25 warnings on public piers and other locations where subsistence fishing is known to  
26 occur. The department shall coordinate, when possible, with local and regional  
27 agencies and organizations to expedite public notification.

28 (2) Closure pursuant to paragraph (1) is not required if, within 24 hours of  
29 notification of a spill or discharge, the Office of Environmental Health Hazard  
30 Assessment finds that a public health threat does not or is unlikely to exist.

31 (b) Within 48 hours of notification of a spill or discharge subject to subdivision  
32 (a), the director, in consultation with the Office of Environmental Health Hazard  
33 Assessment, shall make an assessment and determine all of the following:

34 (1) The danger posed to the public from fishing in the area where the spill or  
35 discharge occurred or spread, and the danger of consuming fish taken in the area  
36 where the spill or discharge occurred or spread.

37 (2) Whether the areas closed for the take of fish or shellfish should be expanded  
38 to prevent any potential take or consumption of any fish or shellfish that may have  
39 been contaminated by the spill or discharge.

40 (3) The likely period for maintaining a closure on the take of fish and shellfish in  
41 order to prevent any possible contaminated fish or shellfish from being taken or  
42 consumed or other threats to human health.

1 (c) Within 48 hours after receiving notification of a spill or discharge subject to  
2 subdivision (a), or as soon as is feasible, the director, in consultation with the Office  
3 of Environmental Health Hazard Assessment, shall assess and determine the  
4 potential danger from consuming fish that have been contained in a recirculating  
5 seawater tank onboard a vessel that may become contaminated by the vessel's  
6 movement through an area where the spill or discharge occurred or spread.

7 (d) If the director finds in ~~his or her~~ the director's assessment pursuant to  
8 subdivision (b) that there is no significant risk to the public or to the fisheries, the  
9 director may immediately reopen the closed area and waive the testing requirements  
10 of ~~subdivisions~~ subdivision (e) and ~~(f)~~.

11 (e) Except under the conditions specified in subdivision (d), after complying with  
12 subdivisions (a) and (b), the director, in consultation with the Office of  
13 Environmental Health Hazard Assessment, but in no event more than seven days  
14 from the notification of the spill or discharge, shall order expedited tests of fish and  
15 shellfish that would have been open for take for commercial, recreational, or  
16 subsistence purposes in the closed area if not for the closure, to determine the levels  
17 of contamination, if any, and whether the fish or shellfish is safe for human  
18 consumption.

19 (f)(1) Within 24 hours of receiving a notification from the Office of  
20 Environmental Health Hazard Assessment that no threat to human health exists from  
21 the spill or discharge or that no contaminant from the spill or discharge is present  
22 that could contaminate fish or shellfish, the director shall reopen the areas closed  
23 pursuant to this section. The director may maintain a closure in any remaining  
24 portion of the closed area where the Office of Environmental Health Hazard  
25 Assessment finds contamination from the spill or discharge persists that may  
26 adversely affect human health.

27 (2) The director, in consultation with the commission, may also maintain a closure  
28 in any remaining portion of the closed area where commercial fishing or aquaculture  
29 occurs and where the department determines, pursuant to this paragraph, that  
30 contamination from the spill or discharge persists that may cause the waste of  
31 commercial fish or shellfish as regulated by Section 7701.

32 (g) To the extent feasible, the director shall consult with representatives of  
33 commercial and recreational fishing associations and subsistence fishing  
34 communities regarding the extent and duration of a closure, testing protocols, and  
35 findings. If a spill or discharge occurs within the lands governed by a Native  
36 American tribe or affects waters flowing through tribal lands, or tribal fisheries, the  
37 director shall consult with the affected tribal governments.

38 (h) The director shall seek full reimbursement from the responsible party or  
39 parties for the spill or discharge for all reasonable costs incurred by the department  
40 in carrying out this section, including, but not limited to, all testing.

41 **Comment.** Subdivision (d) of Section 5654 is amended to delete an erroneous cross-reference.

42 The subdivision is also amended to make it gender neutral.

1 **Fish & Game Code § 5671 (amended). Authority of State Department of Public Health**

2 SEC. \_\_\_\_\_. Section 5671 of the Fish and Game Code is amended to read:

3 5671. The ~~State Department of Health Services~~ State Department of Public Health  
4 may:

5 (a) Examine any area from which shellfish may be taken.

6 (b) Determine whether the area is subject to sewage contamination.

7 (c) Determine whether the taking of shellfish from the area does or may constitute  
8 a menace to the lives or health of human beings.

9 **Comment.** Section 5671 is amended to update an obsolete reference to the State Department of  
10 Health Services. See Health & Safety Code §§ 20 and 131052(6).

11 **Fish & Game Code § 5672 (amended). Notice of contamination**

12 SEC. \_\_\_\_\_. Section 5672 of the Fish and Game Code is amended to read:

13 5672. (a) Upon the determination by the ~~State Department of Health Services~~  
14 State Department of Public Health that the area is or may be subject to sewage  
15 contamination, and that the taking of shellfish from it does or may constitute a  
16 menace to the lives or health of human beings, it shall ascertain as accurately as it  
17 can the bounds of the contamination, and shall post notices on or in the area  
18 describing its bounds and prohibiting the taking of shellfish therefrom.

19 (b) The taking of shellfish from the area is unlawful after the completion of the  
20 publication of the notices as prescribed in this article.

21 **Comment.** Section 5672 is amended to update an obsolete reference to the State Department of  
22 Health Services. See Health & Safety Code §§ 20 and 131052(6).

23 **Fish & Game Code § 5674 (amended). Enforcement**

24 SEC. \_\_\_\_\_. Section 5674 of the Fish and Game Code is amended to read:

25 5674. The ~~State Department of Health Services~~ State Department of Public Health  
26 shall enforce the provisions of this article, and for that purpose the inspectors and  
27 employees of that agency may enter at all times upon public or private property  
28 upon which shellfish may be located.

29 **Comment.** Section 5674 is amended to update an obsolete reference to the State Department of  
30 Health Services. See Health & Safety Code §§ 20 and 131052(6).

31 **Fish & Game Code § 5700 (amended). Specified districts**

32 SEC. \_\_\_\_\_. Section 5700 of the Fish and Game Code is amended to read:

33 5700. (a) Notwithstanding Sections 5670, 5672, 8341, and 9050, native and  
34 nonnative mollusks may be taken in Districts 12 and 13 and moved to other areas to  
35 be purified for human consumption under ~~such~~ rules and regulations ~~as shall be~~  
36 established by the commission. ~~Such~~ Those regulations may include, but are not  
37 limited to, bag limits, methods of harvest, and provisions for public use.

38 (b) Mollusks taken under this section shall not be used for human consumption  
39 unless ~~such that~~ use is approved by the ~~State Department of Health Services~~ State  
40 Department of Public Health.

1 **Comment.** Section 5700 is amended to update an obsolete reference to the State Department of  
2 Health Services. See Health & Safety Code §§ 20 and 131052(6).

3 The section is also amended to add subdivisions and make technical corrections.

4 **Fish & Game Code § 5701 (amended). Sanitary surveys**

5 SEC. \_\_\_\_\_. Section 5701 of the Fish and Game Code is amended to read:

6 5701. (a) ~~The State Department of Health Services~~ State Department of Public  
7 Health may make sanitary surveys of mollusk-growing areas or may use sanitary  
8 surveys of mollusk-growing areas made by qualified state or county agencies, and  
9 based on ~~such~~ that information may classify ~~such~~ those areas for purposes of  
10 harvesting and moving mollusks ~~which~~ that are to be purified for human  
11 consumption in accordance with Section 5700.

12 (b) ~~The State Department of Health Services~~ State Department of Public Health  
13 shall adopt ~~such~~ rules and regulations ~~as are~~ necessary to implement this section.

14 **Comment.** Section 5701 is amended to update obsolete references to the State Department of  
15 Health Services. See Health & Safety Code §§ 20 and 131052(6).

16 The section is also amended to add subdivisions and make technical corrections.

17 **Fish & Game Code § 5701.5 (amended). Certification of water quality**

18 SEC. \_\_\_\_\_. Section 5701.5 of the Fish and Game Code is amended to read:

19 5701.5. If examinations are conducted by the ~~State Department of Health Services~~  
20 State Department of Public Health pursuant to this article for purposes of certifying  
21 the quality of shellfish-growing waters, certification of water quality shall be  
22 commenced within 30 days and completed within six months of the filing of an  
23 application by an aquaculturist.

24 **Comment.** Section 5701.5 is amended to update an obsolete reference to the State Department  
25 of Health Services. See Health & Safety Code §§ 20 and 131052(6).

26 **Fish & Game Code § 5800 (amended). Mining operations in Trinity and Klamath River**  
27 **Fish and Game District**

28 SEC. \_\_\_\_\_. Section 5800 of the Fish and Game Code is amended to read:

29 5800. (a) It is unlawful to conduct any mining ~~operations~~ operation in the Trinity  
30 and Klamath River Fish and Game District between July ~~1st~~ 1 and November ~~30th~~  
31 30, except when the debris, substances, tailings or other effluent from ~~such~~ those  
32 operations do not and cannot pass into the waters in that district.

33 (b) It is unlawful between July ~~1st~~ 1 and November ~~30th~~ 30 to pollute, muddy,  
34 contaminate, or roil the waters of the Trinity and Klamath River Fish and Game  
35 District. ~~It is unlawful between those dates,~~ or to deposit in or cause, suffer, or  
36 procure to be deposited in, permit to pass into, or place where it can pass into, ~~such~~  
37 those waters, any debris, substance or tailings from hydraulic, placer, milling, or  
38 other mining operation affecting the clarity of ~~such~~ those waters. The clarity of ~~such~~  
39 those waters shall be deemed affected when ~~such~~ those waters at a point a distance  
40 of one mile below the confluence of the Klamath River and the Salmon River or at  
41 a point a distance of one mile below the confluence of the South Fork of the Trinity

1 River and the Trinity River, contain fifty (50) parts per million, by weight, of  
2 suspended matter, not including vegetable matter in suspension and suspended  
3 matter occurring in the stream or streams due to an act of God.

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

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

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

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

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

22 **Comment.** Section 5800 is amended for clarity.

23 **Fish & Game Code § 5901 (amended). Obstruction in specified districts**

24 SEC. \_\_\_\_ . Section 5901 of the Fish and Game Code is amended to read:

25 5901. Except as otherwise provided in this code, it is unlawful to construct or  
26 maintain in any stream in Districts 1, 1<sup>3/8</sup>, 1<sup>1/2</sup>, ~~1<sup>7/8</sup>~~ 2, 2<sup>1/4</sup>, 2<sup>1/2</sup>, ~~2<sup>3/4</sup>~~ 3, 3<sup>1/2</sup>, 4, 4<sup>1/8</sup>,  
27 4<sup>1/2</sup>, 4<sup>3/4</sup>, 11, 12, 13, 23, and 25, any device or contrivance that prevents, impedes,  
28 or tends to prevent or impede, the passing of fish up and down stream.

29 **Comment.** Section 5901 is amended to delete references to two non-existent Fish and Game  
30 Districts.

31 **Fish & Game Code § 5946 (amended). Dams constructed in District 4<sup>1/2</sup>**

32 SEC. \_\_\_\_ . Section 5946 of the Fish and Game Code is amended to read:

33 5946. (a) The provisions of Section 5938 shall not be applicable to dams  
34 constructed in District 4<sup>1/2</sup> after September 9, 1953.

35 (b) No permit or license to appropriate water in District 4<sup>1/2</sup> shall be issued by the  
36 ~~State Water Rights Board~~ State Water Resources Control Board after September 9,  
37 1953, unless conditioned upon full compliance with Section 5937.

38 (c) Plans and specifications for any ~~such~~ dam described in subdivision (a) shall  
39 not be approved by the Department of Water Resources unless adequate provision  
40 is made for full compliance with Section 5937.

1 **Comment.** Section 5946 is amended to update a reference to the former State Water Rights  
2 Board.

3 The section is also amended to make technical corrections and add subdivision designations.

4 **Fish & Game Code § 5981 (amended). Installation of screen on conduits**

5 SEC. \_\_\_\_ . Section 5981 of the Fish and Game Code is amended to read:

6 5981. (a) ~~The department shall examine all conduits; and order the owner of a~~  
7 ~~conduit to install, and it is the duty of such an owner to install, a screen on the~~  
8 ~~conduit when, .~~ If in the opinion of the department, a screen is necessary to prevent  
9 fish from passing into the conduit, the department shall order the owner of the  
10 conduit to install a screen.

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

14 **Comment.** Section 5981 is amended for clarity.

15 The section is also amended to add subdivision designations.

16 **Fish & Game Code § 6023 (amended). Written notice and agreement**

17 SEC. \_\_\_\_ . Section 6023 of the Fish and Game Code is amended to read:

18 6023. (a) The department shall serve written notice upon each owner of its  
19 intention to install a fish screen, ~~and .~~

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

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

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

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

33 **Comment.** Section 6023 is amended for clarity.

34 The section is also amended to add subdivision designations.

35 **Fish & Game Code § 6100 (amended). Diversion deleterious to salmon or steelhead**

36 SEC. \_\_\_\_ . Section 6100 of the Fish and Game Code is amended to read:

37 6100. (a) Notwithstanding any provision of Article 3 (commencing with Section  
38 5980) and Article 4 (commencing with Section 6020), on or after January 1, 1972,  
39 any new diversion of water from any stream having populations of salmon and  
40 steelhead that is determined by the department to be deleterious to salmon and  
41 steelhead shall be screened by the owner.

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

3 ~~(b) The department within 30 days of providing written notice to the owner that~~  
4 (c) If the department has determined that the a diversion is deleterious to salmon  
5 and steelhead pursuant to subdivision (a), or within the time determined by mutual  
6 written agreement, shall submit to the owner its proposals as to measures necessary  
7 to protect the salmon and steelhead it shall provide written notice of its  
8 determination to the owner.

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

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

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

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

21 **Comment.** Section 6100 is amended for clarity.

22 **Fish & Game Code § 6652 (amended). Weight records**

23 SEC. \_\_\_\_\_. Section 6652 of the Fish and Game Code is amended to read:

24 6652. (a) Every person engaged in harvesting kelp shall determine the weight ~~by~~  
25 ~~any method, including the displacement method, approved by the department of all~~  
26 ~~wet kelp, immediately after it is delivered to the licensee's place of business or~~  
27 ~~elsewhere, and the .~~ The weight shall be entered in a book to be kept by the licensee.  
28 The book shall be open at all times to the inspection of the department.

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

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

34 **Comment.** Section 6652 is amended for clarity.

35 The section is also amended to add subdivision designations.

36 **Fish & Game Code § 6656 (amended). License revocation or nonrenewal**

37 SEC. \_\_\_\_\_. Section 6656 of the Fish and Game Code is amended to read:

38 6656. (a) The commission may revoke a license and prohibit its reissuance for a  
39 period of not more than one year, ~~the license of~~ in either of the following:  
40 circumstances:

1 ~~(a) Any person who harvests any~~ (1) The licensee harvested kelp from a bed which  
2 is that was closed, between the time of service of notice upon him or her of the  
3 closing of the bed and the decision of the commission upon a hearing as to the  
4 necessity for the closing after the department served notice of the closure on the  
5 licensee and before the bed was reopened.

6 ~~(b) Any person who violates~~ (2) The licensee violated any law or regulation of the  
7 commission relating to kelp.

8 ~~The proceedings~~ (b) A proceeding pursuant to this section shall be conducted at  
9 one of the commission's regularly scheduled meetings.

10 **Comment.** Section 6656 is amended for clarity.

11 The section is also amended to add subdivision designations.

12 **Fish & Game Code § 6657 (amended). Scientific and educational permits**

13 SEC. \_\_\_\_ . Section 6657 of the Fish and Game Code is amended to read:

14 6657. The commission may, subject to ~~such~~ regulations ~~as it may deem~~ it deems  
15 proper, grant permits to any department of the United States Government or to any  
16 scientific or any educational institution, to harvest kelp at any time for scientific or  
17 experimental purposes without the payment of the kelp license or ~~privilege tax~~  
18 royalty imposed by this chapter.

19 **Comment.** Section 6657 is amended to more precisely describe the nature of payments  
20 referenced in the section. See Section 6680 (requiring payment of "royalty" for harvesting kelp).

21 The section is also amended to make other technical corrections.

22 **Fish & Game Code § 6704 (amended). Renewal of lease**

23 SEC. \_\_\_\_ . Section 6704 of the Fish and Game Code is amended to read:

24 6704. (a) Each kelp bed lease ~~entered into or renewed, on and after January 1,~~  
25 ~~1985,~~ shall specify a period prior to expiration when renewal of the lease may be  
26 requested by the lessee. If the commission determines that the lessee has complied  
27 with the terms of the lease, the lessee shall have a prior right to renew the lease on  
28 terms agreed upon between the commission and the lessee.

29 (b) If terms for a renewal of the lease are not agreed upon, or the commission  
30 determines that the lessee has not complied with the terms of the lease, the  
31 commission shall advertise for bids on the individual kelp beds comprising the lease.

32 (c) If a request for renewal is not made during the specified period by the lessee,  
33 the commission shall advertise for bids on the individual kelp beds comprising the  
34 lease.

35 (d) The duration of the term of any renewal of a lease shall not exceed 20 years.

36 **Comment.** Subdivision (a) of Section 6704 is amended to delete an obsolete reference to a past  
37 qualifying date.

38 **Fish & Game Code § 6705 (repealed). Renewal of leases in effect on specified dates**

39 SEC. \_\_\_\_ . Section 6705 of the Fish and Game Code is repealed.

1 ~~6705. Notwithstanding Section 6704, with respect to any kelp lease in effect on~~  
2 ~~January 1, 1983, the lessee shall have a prior right to renew the lease on terms agreed~~  
3 ~~upon between the commission and the lessee. If the lessee does not renew the lease,~~  
4 ~~or if terms are not agreed upon, the commission shall advertise for bids on the~~  
5 ~~individual kelp beds comprising the lease. The term of any renewal of a lease shall~~  
6 ~~not exceed 20 years. Any lease in effect on January 1, 1985, may be performed~~  
7 ~~pursuant to its terms, notwithstanding this article, but any renewal of that lease is~~  
8 ~~subject to this article.~~

9 **Comment.** Section 6705 is repealed as obsolete.

10 **Fish & Game Code § 6707 (amended). Royalty payment**

11 SEC. \_\_\_\_\_. Section 6707 of the Fish and Game Code is amended to read:

12 ~~6707. (a) Each lease entered into, or renewed, on or after January 1, 1985, shall~~  
13 ~~require, in addition to the license fee required by this chapter, a payment by the~~  
14 ~~lessee or any sublessee of not less than the minimum royalty established under~~  
15 ~~Article 2 (commencing with Section 6680), for all kelp harvested from the lease~~  
16 ~~area, and shall provide for an annual advance payment of not less than forty dollars~~  
17 ~~(\$40) per square mile per year for the kelp bed leased, to be credited against the~~  
18 ~~amount payable by the lessee, or sublessee, as the case may be, for each ton of kelp~~  
19 ~~harvested during the ensuing year.~~

20 ~~(b) The lease shall, in addition, include provisions for forfeiture of the lease if the~~  
21 ~~annual payment is not made in advance.~~

22 **Comment.** Section 6707 is amended to delete an obsolete reference to a past qualifying date.

23 The section is also amended to add subdivision designations.

24 **Fish & Game Code § 6924 (repealed). Report of determined elements of program**

25 SEC. \_\_\_\_\_. Section 6924 of the Fish and Game Code is repealed.

26 ~~6924. The department shall determine the initial elements of the program and~~  
27 ~~transmit a report describing those elements to the Legislature and the Advisory~~  
28 ~~Committee on Salmon and Steelhead Trout within six months of the effective date~~  
29 ~~of this chapter.~~

30 **Comment.** Section 6924 is repealed as obsolete.

31 **Fish & Game Code § 7090 (amended). Emerging fisheries**

32 SEC. \_\_\_\_\_. Section 7090 of the Fish and Game Code is amended to read:

33 7090. (a) The Legislature finds and declares that a proactive approach to  
34 management of emerging fisheries will foster a healthy marine environment and  
35 will benefit both commercial and sport fisheries and other marine-dependent  
36 activities. Therefore, the commission, based upon the advice and recommendations  
37 of the department, shall encourage, manage, and regulate emerging fisheries  
38 consistent with the policies of this part.

39 (b) For purposes of this section, “emerging fishery,” in regard to a marine fishery,  
40 means both of the following:

1 (1) A fishery that the director has determined is an emerging fishery, based on  
2 criteria that are approved by the commission and are related to a trend of increased  
3 landings or participants in the fishery and the degree of existing regulation of the  
4 fishery.

5 (2) A fishery that is not an established fishery. “Established fishery,” in regard to  
6 a marine fishery, means, prior to January 1, 1999, one or more of the following:

7 (A) A restricted access fishery has been established in this code or in regulations  
8 adopted by the commission.

9 (B) A fishery, for which a federal fishery management plan exists, and in which  
10 the catch is limited within a designated time period.

11 (C) A fishery for which a population estimate and catch quota is established  
12 annually.

13 (D) A fishery for which regulations for the fishery are considered at least  
14 biennially by the commission.

15 (E) A fishery for which this code or regulations adopted by the commission  
16 prescribes at least two management measures developed for the purpose of  
17 sustaining the fishery. Management measures include minimum or maximum size  
18 limits, seasons, time, gear, area restriction, and prohibition on sale or possession of  
19 fish.

20 (c) The department shall closely monitor landings and other factors it deems  
21 relevant in each emerging fishery and shall notify the commission of the existence  
22 of an emerging fishery.

23 (d) The commission, upon the recommendation of the department, may do either,  
24 or both, of the following:

25 (1) Adopt regulations that limit taking in the fishery by means that may include,  
26 but not be limited to, restricting landings, time, area, gear, or access. These  
27 regulations may remain in effect until a fishery management plan is adopted.

28 (2) Direct the department to prepare a fishery management plan for the fishery  
29 and regulations necessary to implement the plan.

30 (e) A fishery management plan for an emerging fishery shall comply with the  
31 requirements for preparing and adopting fishery management plans contained in this  
32 part. In addition to those requirements, to allow for adequate evaluation of the  
33 fishery and the acquisition of essential fishery information, the fishery management  
34 plan shall provide an evaluation period, which shall not exceed three years unless  
35 extended by the commission. During the evaluation period, the plan shall do both  
36 of the following:

37 (1) In order to prevent excess fishing effort during the evaluation period, limit  
38 taking in the fishery by means that may include, but need not be limited to,  
39 restricting landings, time, area, gear, or access to a level that the department  
40 determines is necessary for evaluation of the fishery.

41 (2) Contain a research plan that includes objectives for evaluating the fishery, a  
42 description of the methods and data collection techniques for evaluating the fishery,  
43 and a timetable for completing the evaluation.

1 (f) The commission is authorized to impose a fee on an emerging fishery in order  
2 to pay the costs of implementing this chapter. The fees may include, but need not  
3 be limited to, ocean fishing stamps and permit fees. The fees may not be levied in  
4 excess of the necessary costs to implement and administer this chapter. The  
5 commission may reduce fees annually if it determines that sufficient revenues exist  
6 to cover costs incurred by the department in administering this chapter. The  
7 commission and the department, with the advice of fishery participants and other  
8 interested parties, shall consider alternative ways to fund the evaluation of emerging  
9 fisheries.

10 (g) An emerging fishery is subject to this section unless the department  
11 incorporates the fishery into a fishery management plan developed under Sections  
12 7070 to 7088, inclusive.

13 (h) In the event that this section is found to conflict with Section 1022, ~~8614, or~~  
14 ~~8615~~, this section shall prevail.

15 **Comment.** Subdivision (h) of Section 7090 is amended to conform to the concurrent repeal of  
16 Sections 8614 and 8615.

17 **Fish & Game Code § 7120 (amended). Bag limits**

18 SEC. \_\_\_\_\_. Section 7120 of the Fish and Game Code is amended to read:  
19 7120. It is unlawful for any person to possess more than one daily bag limit of any  
20 fish, amphibian, or reptile taken under a license issued pursuant to Article 3  
21 (commencing with Section 7145) unless authorized by regulations adopted by the  
22 commission.

23 **Comment.** Section 7120 is amended to parallel the language of Section 7145.

24 **Fish & Game Code § 7149.05 (amended). Sport fishing license**

25 SEC. \_\_\_\_\_. Section 7149.05 of the Fish and Game Code, as amended by Section 2  
26 of Chapter 607 of the Statutes of 2021, is amended to read:

27 7149.05. (a) A sport fishing license granting the privilege to take any fish, reptile,  
28 or amphibian anywhere in this state for purposes other than profit shall be issued to  
29 any of the following:

30 (1)(A) A resident, 16 years of age or older, for the period of a calendar year, or, if  
31 issued after the beginning of the year, for the remainder of the year, upon payment  
32 of a base fee of thirty-one dollars and twenty-five cents (\$31.25).

33 (B) The director may authorize the issuance of a license under subparagraph (A)  
34 that is valid for the period of 12 consecutive months beginning on the date specified  
35 on the license instead of only for the calendar year.

36 (2)(A) A nonresident, 16 years of age or older, for the period of a calendar year,  
37 or, if issued after the beginning of the year, for the remainder of the year, upon  
38 payment of a base fee of eighty-four dollars (\$84).

39 (B) The director may authorize the issuance of a license under subparagraph (A)  
40 that is valid for the period of 12 consecutive months beginning on the date specified  
41 on the license instead of only for the calendar year.

1 (3) A nonresident, 16 years of age or older, for ~~the~~ a period of 10 designated  
2 consecutive days beginning on the date specified on the license, upon payment of  
3 the fee set forth in paragraph (1). Notwithstanding Section 1053.1, more than one  
4 10-day license for different 10-day periods may be issued to, or possessed by, a  
5 person at one time.

6 (4) A resident or nonresident, 16 years of age or older, for two designated  
7 consecutive days, upon payment of one-half the fee set forth in paragraph (1).  
8 Notwithstanding Section 1053.1, more than one ~~single-day~~ two-day license issued  
9 for different ~~days~~ two-day periods may be issued to, or possessed by, a person at  
10 one time.

11 (5) A resident or nonresident, 16 years of age or older, for one designated day,  
12 upon payment of a base fee of ten dollars (\$10). Notwithstanding Section 1053.1,  
13 more than one one-day license for different days may be issued to, or possessed by,  
14 a person at one time.

15 (b) California sport fishing license validations shall be issued by authorized  
16 license agents in the same manner as sport fishing licenses, and no compensation  
17 shall be paid to the authorized license agent for issuing the validations except as  
18 provided in Section 1055.1.

19 (c) This section applies only to licenses, permits, reservations, tags, and other  
20 entitlements issued through the Automated License Data System.

21 (d) The base fees specified in this section are applicable to the 2004 license year,  
22 and shall be adjusted annually thereafter pursuant to Section 713.

23 (e) The commission shall adjust the amount of the fees specified in subdivision  
24 (d), as necessary, to fully recover, but not exceed, all reasonable administrative and  
25 implementation costs of the department and the commission relating to those  
26 licenses.

27 (f)(1) The director shall provide the Legislature, on or before January 1, 2025,  
28 recommendations for increasing fees for all sport fishing licenses to levels that  
29 provide adequate resources to fund sport fishing, including all necessary supporting  
30 activities, at the department.

31 (2) The director shall submit to the Legislature, on or before July 1, 2028, a written  
32 report evaluating all sport fishing licenses issued pursuant to this section, including  
33 sales information, the cost of administering and implementing sport fishing licenses  
34 to the department and commission, and evidence of any changes in the number of  
35 new or renewing sport fishing license participants. The director shall collect all  
36 relevant, appropriate, and sufficient data necessary to evaluate sport fishing licenses  
37 issued pursuant to this section and to justify the amount of the license fees assessed  
38 pursuant to this section, including information about data collection and  
39 enforcement costs. Data collection efforts pursuant to this paragraph shall avoid  
40 duplication and use data collected for other purposes, to the extent feasible.

41 (3) The requirement for submitting a report imposed under paragraph (1) is  
42 inoperative on January 1, 2029, pursuant to Section 10231.5 of the Government  
43 Code.

1 (4) A report to be submitted pursuant to this subdivision shall be submitted in  
2 compliance with Section 9795 of the Government Code.

3 (g) This section shall remain in effect only until January 1, 2030, and as of that  
4 date is repealed.

5 **Comment.** Paragraphs (3) and (5) of subdivision (a) of Section 7149.05 are amended to  
6 expressly state the inapplicability of Section 1053.1 to those provisions. See Section 1053.1(a)(1).

7 Paragraphs (3) and (4) of subdivision (a) are also amended for clarity.

8 **Fish & Game Code § 7149.05 (amended). Sport fishing license**

9 SEC. \_\_\_\_\_. Section 7149.05 of the Fish and Game Code as added by Section 3 of  
10 Chapter 607 of the Statutes of 2021, is amended to read:

11 7149.05. (a) A sport fishing license granting the privilege to take any fish, reptile,  
12 or amphibian anywhere in this state for purposes other than profit shall be issued to  
13 any of the following:

14 (1) A resident, 16 years of age or older, for the period of a calendar year, or, if  
15 issued after the beginning of the year, for the remainder of the year, upon payment  
16 of a base fee of thirty-one dollars and twenty-five cents (\$31.25).

17 (2) A nonresident, 16 years of age or older, for the period of a calendar year, or,  
18 if issued after the beginning of the year, for the remainder of the year, upon payment  
19 of a base fee of eighty-four dollars (\$84).

20 (3) A nonresident, 16 years of age or older, for ~~the a~~ period of 10 designated  
21 consecutive days beginning on the date specified on the license, upon payment of  
22 the fee set forth in paragraph (1). Notwithstanding Section 1053.1, more than one  
23 10-day license for different 10-day periods may be issued to, or possessed by, a  
24 person at one time.

25 (4) A resident or nonresident, 16 years of age or older, for two designated  
26 consecutive days, upon payment of one-half the fee set forth in paragraph (1).  
27 Notwithstanding Section 1053.1, more than one ~~single-day~~ two-day license issued  
28 for different ~~days~~ two-day periods may be issued to, or possessed by, a person at  
29 one time.

30 (5) A resident or nonresident, 16 years of age or older, for one designated day,  
31 upon payment of a base fee of ten dollars (\$10). Notwithstanding Section 1053.1,  
32 more than one one-day license for different days may be issued to, or possessed by,  
33 a person at one time.

34 (b) California sport fishing license validations shall be issued by authorized  
35 license agents in the same manner as sport fishing licenses, and no compensation  
36 shall be paid to the authorized license agent for issuing the validations except as  
37 provided in Section 1055.1.

38 (c) This section applies only to licenses, permits, reservations, tags, and other  
39 entitlements issued through the Automated License Data System.

40 (d) The base fees specified in this section are applicable to the 2004 license year,  
41 and shall be adjusted annually thereafter pursuant to Section 713.

1 (e) The commission shall adjust the amount of the fees specified in subdivision  
2 (d), as necessary, to fully recover, but not exceed, all reasonable administrative and  
3 implementation costs of the department and the commission relating to those  
4 licenses.

5 (f) This section shall become operative on January 1, 2030.

6 **Comment.** Paragraphs (3) and (5) of subdivision (a) of Section 7149.05 are amended to  
7 expressly state the inapplicability of Section 1053.1 to those provisions. See Section 1053.1(a)(1).

8 Paragraphs (3) and (4) of subdivision (a) are also amended for clarity.

9 **Fish & Game Code § 7149.2 (amended). Lifetime sport fishing license**

10 SEC. \_\_\_\_\_. Section 7149.2 of the Fish and Game Code is amended to read:

11 7149.2. (a) In addition to Section 7149.05, the department shall issue a lifetime  
12 sport fishing license under this section. A lifetime sport fishing license authorizes  
13 the taking of fish, amphibians, or reptiles anywhere in this state in accordance with  
14 the law for purposes other than profit for the life of the person to whom issued unless  
15 revoked for a violation of this code or regulations adopted under this code. A  
16 lifetime sport fishing license is valid for a one-year period from January 1 through  
17 December 31 and may be renewed annually, regardless of any lapse of the license,  
18 at no additional cost to the licensee. A lifetime sport fishing license is not  
19 transferable. A lifetime sport fishing license does not include any special tags,  
20 stamps, or fees.

21 (b) A lifetime sport fishing license may be issued to residents of this state, as  
22 follows:

23 (1) To a person 62 years of age or over, upon payment of a base fee of three  
24 hundred sixty-five dollars (\$365).

25 (2) To a person 40 years of age or over and less than 62 years of age, upon payment  
26 of a base fee of five hundred forty dollars (\$540).

27 (3) To a person 10 years of age or over and less than 40 years of age upon payment  
28 of a base fee of six hundred dollars (\$600).

29 (4) To a person less than 10 years of age upon payment of a base fee of three  
30 hundred sixty-five dollars (\$365).

31 (c) Nothing in this section requires a person less than 16 years of age to obtain a  
32 license to take fish, amphibians, or reptiles for purposes other than profit.

33 (d) Nothing in this section exempts a license applicant from meeting other  
34 qualifications or requirements otherwise established by law for the privilege of sport  
35 fishing.

36 (e) Upon payment of a base fee of two hundred forty-five dollars (\$245), a person  
37 holding a lifetime sport fishing license shall be entitled annually to the privileges  
38 afforded to a person holding a second-rod ~~stamp~~ or validation issued pursuant to  
39 Section 7149.45, a sport fishing ocean enhancement ~~stamp~~ or validation issued  
40 pursuant to subdivision (a) of Section 6596.1, one steelhead trout report restoration  
41 card issued pursuant to Section 7380, and one salmon report card issued pursuant to

1 regulations adopted by the commission. Lifetime privileges issued pursuant to this  
2 subdivision are not transferable.

3 (f) The base fees specified in this section are applicable commencing January 1,  
4 2004, and shall be adjusted annually thereafter pursuant to Section 713.

5 **Comment.** Subdivision (e) of Section 7149.2 is amended to delete references to two obsolete  
6 types of stamps.

7 **Fish & Game Code § 7151 (amended). Free sport fishing licenses**

8 SEC. \_\_\_\_. Section 7151 of the Fish and Game Code is amended to read:

9 7151. (a) Upon application to the department, the following persons, if they have  
10 not been convicted of any violation of this code, shall be issued, free of any charge  
11 or fee, a sport fishing license, that authorizes the licensee to take any fish, reptile,  
12 or amphibian anywhere in this state for purposes other than profit:

13 (1) Any blind person upon presentation of proof of blindness. “Blind person”  
14 means a person with central visual acuity of 20/200 or less in the better eye, with  
15 the aid of the best possible correcting glasses, or central visual acuity better than  
16 20/200 if the widest diameter of the remaining visual field is no greater than 20  
17 degrees. Proof of blindness shall be by certification from a qualified licensed  
18 optometrist or ophthalmologist or by presentation of a license issued pursuant to this  
19 paragraph in any previous license year.

20 (2) Every resident Native American who, in the discretion of the department, is  
21 financially unable to pay the fee required for the license.

22 (3) Any ~~developmentally disabled~~ person with a developmental disability, upon  
23 presentation of certification of that disability from a qualified licensed physician, or  
24 the director of a state regional center for ~~the developmentally disabled persons with~~  
25 developmental disabilities.

26 (4) Any person who is a resident of the state and who is so severely physically  
27 disabled as to be permanently unable to move from place to place without the aid of  
28 a wheelchair, walker, forearm crutches, or a comparable mobility-related device.  
29 Proof of the disability shall be by certification from a licensed physician or surgeon  
30 or, by presentation of a license issued pursuant to this paragraph in any previous  
31 license year after 1996.

32 (b) Sport fishing licenses issued pursuant to paragraph (2) of subdivision (a) are  
33 valid for the calendar year of issue or, if issued after the beginning of the year, for  
34 the remainder thereof.

35 (c) Sport fishing licenses issued pursuant to paragraphs (1), (3), and (4) of  
36 subdivision (a) are valid for five calendar years, or if issued after the beginning of  
37 the first year, for the remainder thereof.

38 (d) Upon application to the department, the department may issue, ~~free of any~~  
39 ~~charge or fee~~, a group sport fishing license, free of any charge or fee, to groups of  
40 mentally or physically handicapped persons a group of persons with mental or  
41 physical disabilities who are under the care of a any of the following entities:

1     (1) A certified federal, state, county, city, or private licensed care center that is a  
2     community care facility as defined in subdivision (a) of Section 1502 of the Health  
3     and Safety Code, ~~to organizations~~ .

4     (2) An organization exempt from taxation under Section 501(c)(3) of the federal  
5     Internal Revenue Code, ~~or to schools or school districts~~.

6     (3) A school or school district.

7     ~~(e) Any~~ The organization that applies for a group fishing license listed in  
8     subdivision (d) shall provide evidence that it is a legitimate private licensed care  
9     center, tax-exempt organization, school, or school district.

10    ~~(f)~~ The license shall be issued to the person in charge of the group and shall be in  
11    his or her that person's possession when the group is fishing.

12    ~~(g) Employees of private licensed care centers, tax-exempt organizations, schools,~~  
13    ~~or school districts are exempt from Section 7145 only while assisting physically or~~  
14    ~~mentally disabled persons fishing under the authority of a valid license issued~~  
15    ~~pursuant to this section.~~ The license shall include identify the location where the  
16    activity will take place, and the date or dates of the activity for which fishing is  
17    authorized, and the maximum number of people that may be included in the group  
18    that will be fishing. The licenseholder shall notify the local department office before  
19    sport fishing and indicate where, when, and how long the group will fish be sport  
20    fishing.

21    (h) Employees of the organization listed in subdivision (d) are exempt from  
22    Section 7145 while assisting the group that is sport fishing pursuant to the license.

23    ~~(e)~~ (i) Upon application to the department, the department may issue, free of any  
24    charge or fee, a sport fishing license to a nonprofit organization for day-fishing trips  
25    that provide recreational rehabilitation therapy for active duty members of the  
26    United States military who are currently receiving inpatient care in a military or  
27    Veterans Administration hospital and veterans with service-connected disabilities.  
28    The license shall be valid for the calendar year of issue or, if issued after the  
29    beginning of the year, for the remainder of that year. The license shall be issued to  
30    the person in charge of the group, and shall be in the licenseholder's possession  
31    when the group is fishing. The organization shall notify the local department office  
32    before fishing and indicate where, when, and how long the group will fish. To be  
33    eligible for a license under this subdivision, an organization shall be registered to  
34    do business in this state or exempt from taxation under Section 501(c) of the federal  
35    Internal Revenue Code.

36    ~~(f)~~ (j) On January 15 of each year, the department shall determine the number of  
37    free sport fishing licenses in effect during the preceding year under subdivisions (a),  
38    (d), and ~~(e)~~ (i).

39    ~~(g)~~ (k) There shall be appropriated from the General Fund a sum equal to two  
40    dollars (\$2) per free sport fishing license in effect during the preceding license year  
41    under subdivisions (a) and (d), as determined by the department pursuant to  
42    subdivision ~~(f)~~ (j). That sum may be appropriated annually in the Budget Act for  
43    transfer to the Fish and Game Preservation Fund and appropriated in the Budget Act

1 from the Fish and Game Preservation Fund to the department for the purposes of  
2 this part.

3 **Comment.** Section 7151 is amended for clarity, and to make it gender neutral.

4 **Fish & Game Code § 7180.1 (amended). Fishing on Colorado River**

5 SEC. \_\_\_\_\_. Section 7180.1 of the Fish and Game Code is amended to read:

6 7180.1. (a) Any person taking fish or amphibia for purposes other than profit from  
7 or on a boat or other floating device on the waters of the Colorado River ~~and~~ or on  
8 adjacent waters, except canals, drains, or ditches used to transport water used for  
9 irrigation or domestic purposes, shall have in ~~his or her~~ their possession a valid  
10 sportfishing license issued by either the State of Arizona or State of California.

11 ~~(b) In addition to either of the licenses, a person taking fish or amphibia as~~  
12 ~~indicated shall have in his or her possession a Colorado River special use validation.~~  
13 ~~If he or she is a person having in his or her possession a valid California sportfishing~~  
14 ~~license, he or she shall have an Arizona special use validation to fish legally the~~  
15 ~~waters described above. If he or she is a person having in his or her possession a~~  
16 ~~valid Arizona sportfishing license, he or she shall have a California special use~~  
17 ~~validation to fish legally the waters described above.~~

18 ~~(c) A special use validation, when accompanied by the proper license, permits~~  
19 ~~fishing in any portion of those waters, and permit fishermen to enter the waters from~~  
20 ~~any point. The fee for a Colorado River special use validation is three dollars (\$3).~~

21 ~~(d) (b)~~ This section applies only to licenses, permits, reservations, tags, and other  
22 entitlements issued through the Automated License Data System.

23 **Comment.** Subdivision (a) of Section 7180.1 is amended to correct a grammatical error, and to  
24 make the section gender neutral.

25 Subdivisions (b) and (c) are deleted to reflect the discontinuation of Colorado River special use  
26 validations issued by the state of California.

27 **Fish & Game Code § 7181.1 (amended). Colorado River shoreline fishing**

28 SEC. \_\_\_\_\_. Section 7181.1 of the Fish and Game Code is amended to read:

29 7181.1. (a) A person fishing from the shore in the waters of the Colorado River  
30 located in Arizona or California shall have in ~~his or her~~ their possession a valid  
31 sportfishing license issued by the state that has jurisdiction over that shore. ~~That~~  
32 ~~shoreline fishing does not require a Colorado River special use validation as long as~~  
33 ~~the fisherman remains on the shore and does not embark on the water. Any person,~~  
34 ~~however, having in his or her possession a valid Arizona sportfishing license and a~~  
35 ~~California special use validation may fish from the shore in the waters of the~~  
36 ~~Colorado River, or adjacent waters, except canals, drains, and ditches used to~~  
37 ~~transport water used for irrigation or domestic purposes, located in California,~~  
38 ~~without a sport fishing license issued by the State of California.~~

39 (b) This section applies only to licenses, permits, reservations, tags, and other  
40 entitlements issued through the Automated License Data System.

1 **Comment.** Section 7181.1 is amended to reflect the discontinuation of Colorado River special  
2 use validations issued by the state of California, and to make the section gender neutral.

3 **Fish & Game Code § 7182.1 (repealed). Colorado River special use validations**

4 SEC. \_\_\_\_\_. Section 7182.1 of the Fish and Game Code is repealed.

5 ~~7182.1. (a) Arizona Colorado River special use validations shall be issued by~~  
6 ~~California authorized license agents under the supervision of the department in the~~  
7 ~~same manner as sportfishing licenses are issued, and California sportfishing licenses~~  
8 ~~and California Colorado River special use validations shall be issued by Arizona~~  
9 ~~license dealers under the supervision of the Arizona Game and Fish Commission.~~

10 ~~(b) This section applies only to licenses, permits, reservations, tags, and other~~  
11 ~~entitlements issued through the Automated License Data System.~~

12 **Comment.** Section 7182.1 is repealed based on the discontinuation of Colorado River special  
13 use validations issued by the state of California.

14 **Fish & Game Code § 7232 (amended). Fish offal**

15 SEC. \_\_\_\_\_. Section 7232 of the Fish and Game Code is amended to read:

16 7232. (a) Notwithstanding Section 7121 any offal from a fish taken under a sport  
17 fishing license which is delivered by the license holder to a fish canner or fish  
18 processor may be processed, used, or sold by that fish canner or fish processor.

19 (b) Nothing in this section authorizes a holder of a sport fishing license to sell, or  
20 a fish canner or fish processor to purchase from a holder of a sport fishing license,  
21 any fish, ~~or any portion thereof~~, taken under a sport fishing license.

22 **Comment.** Section 7232 is amended to delete a superfluous reference to a portion of a fish. See  
23 Section 80.

24 The section is also amended to add subdivision designations.

25 **Fish & Game Code § 7706 (amended). Complaint alleging violation**

26 SEC. \_\_\_\_\_. Section 7706 of the Fish and Game Code is amended to read:

27 7706. (a) A written complaint may be made to the commission against any person  
28 who violates Section 7700 to 7705, inclusive, 7707, 7708, or 8075 to 8080,  
29 inclusive, ~~or 8153~~, or any regulation adopted thereunder, by any person having  
30 information or knowledge of the violation. If the person charged in the complaint is  
31 found guilty of the offense charged, the commission may suspend, for a period not  
32 to exceed 90 days, any license issued by any state board or officer to that person to  
33 take, buy, sell, can, or preserve fish or fishery products. No other license shall be  
34 issued to that person during the period of suspension.

35 (b) The proceedings on a complaint shall be conducted at one of the commission's  
36 regularly scheduled meetings.

37 **Comment.** Section 7706 is amended for clarity, and to delete a cross-reference to a repealed  
38 provision.

39 The section is also amended to add subdivision designations.

1 **Fish & Game Code § 7850 (amended). Activity requiring license**

2 SEC. \_\_\_\_\_. Section 7850 of the Fish and Game Code is amended to read:

3 7850. (a) Excepting persons expressly exempted under this code, no person shall  
4 use or operate, or assist in using or operating, any boat, aircraft, net, trap, line, or  
5 other appliance to take fish or amphibia for commercial purposes, and no person  
6 shall cause to be brought ashore, any fish or amphibia at any point in the state for  
7 the purpose of selling them in a fresh state or shall contribute materially to the  
8 activities on board the commercial fishing vessel, unless the person holds a  
9 commercial fishing license issued by the department.

10 (b) Any person not required under subdivision (a) to hold a commercial fishing  
11 license shall register ~~his or her~~ their presence on board the commercial fishing vessel  
12 in a log maintained by the owner or operator of the vessel according to the  
13 requirements of the department.

14 (c) As used in this section, “person” ~~does not include persons who are less than~~  
15 ~~16 years of age, a partnership, corporation, or association~~ means a natural person 16  
16 years of age or greater. Any person, partnership, corporation, limited liability  
17 company, or association may pay the fees for a license issued to any person.

18 (d) This article does not apply to the taking, transporting, or selling of live  
19 freshwater fish for bait by the holder of a live freshwater bait fish license issued  
20 pursuant to Section 8460.

21 **Comment.** Subdivision (b) of Section 7850 is amended to make the section gender neutral.

22 Subdivision (c) is amended to clarify the definition of the term “person” as used in the section.

23 **Fish & Game Code § 7856 (amended). Preparation of fish on commercial fishing vessel for**  
24 **human consumption**

25 SEC. \_\_\_\_\_. Section 7856 of the Fish and Game Code is amended to read:

26 7856. Notwithstanding any other provision of this division, except as provided in  
27 subdivision (f) and except when prohibited by federal law, fish may be prepared for  
28 human consumption aboard a commercial fishing vessel only under the following  
29 conditions:

30 (a) The fish are taken under all existing commercial fishing laws and regulations  
31 and, except as provided in subdivision (f), the fish is of a species and size that can  
32 be lawfully taken under sportfishing regulations in the area where taken and are  
33 taken incidental to normal commercial fishing operations.

34 (b) The fish is separated from other fish and stored with other foodstuff for  
35 consumption by the crew and passengers aboard the vessel.

36 (c) The fish shall not be bought, sold, offered for sale, transferred to another  
37 person, landed, brought ashore, or used for a purpose other than consumption by the  
38 crew and passengers.

39 (d)(1) All fish shall be maintained in a condition that the species can be  
40 determined, and the size or weight can be determined if a size or weight limit  
41 applies, until the fish is prepared for immediate consumption.

1 (2) If the fish is filleted, a patch of skin shall be retained on each fillet as prescribed  
2 by the commission in the sportfishing regulations until the fish is prepared for  
3 immediate consumption.

4 (3) Fillets from fish possessed under sportfishing regulations shall be of the  
5 minimum length prescribed by commission regulations.

6 ~~(e) A fish that may be possessed under sportfishing regulations shall not be~~  
7 ~~possessed in excess of the sport bag limit for each crew member and passenger~~ The  
8 quantity of fish prepared shall not exceed the aggregate sportfishing bag limit for  
9 that fish applicable to the total number of crew members and passengers on board  
10 the vessel.

11 (f) Notwithstanding other provisions of this section, kelp bass, sand bass, spotted  
12 bass, yellowfin croaker, spotfin croaker, California corbina, and marlin, shall not be  
13 possessed aboard a commercial fishing vessel while that vessel is on a commercial  
14 fishing trip. Lobster, salmon, or abalone shall not be possessed aboard a commercial  
15 fishing vessel while that vessel is on a commercial fishing trip for preparation for  
16 human consumption pursuant to this section unless that lobster, salmon, or abalone  
17 is taken and possessed in compliance with all applicable laws pertaining to  
18 commercial fishing methods of take, licenses, permits, and size limits. Sturgeon or  
19 striped bass shall not be possessed aboard a commercial fishing vessel. A person  
20 shall not take or possess a fish on a commercial fishing vessel under a sportfishing  
21 license while that vessel is engaged in a commercial fishing activity, including going  
22 to or from an area where fish are taken for commercial purposes.

23 **Comment.** Subdivision (e) of Section 7856 is amended for clarity.

24 **Fish & Game Code § 7921 (amended). Commercial passenger fishing vessel license**

25 SEC. \_\_\_\_\_. Section 7921 of the Fish and Game Code is amended to read:

26 7921. The base fee for a commercial passenger fishing ~~boat~~ vessel license is two  
27 hundred fifty dollars (\$250) in the 2004 license year, which shall be adjusted  
28 annually thereafter pursuant to Section 713. The commercial passenger fishing  
29 vessel license shall be issued to the holder of a commercial boat registration issued  
30 pursuant to Section 7881.

31 **Comment.** Section 7921 is amended to conform two references in the section to a commercial  
32 passenger fishing vessel license.

33 **Fish & Game Code § 7925 (amended). Take from commercial passenger fishing boat**

34 SEC. \_\_\_\_\_. Section 7925 of the Fish and Game Code is amended to read:

35 7925. (a) ~~If a vessel is licensed under this article and~~ commercial passenger  
36 fishing boat is used to take salmon or has salmon aboard in ocean waters north of  
37 Point Arguello, there shall be on board that vessel; a total number of commercial  
38 fishing salmon stamps sufficient to have at least one for the operator and one for  
39 each crewmember required by United States Coast Guard regulations, excepting an  
40 operator or a crewmember who is exempt from the commercial fishing salmon  
41 stamp requirement ~~under subdivision (b)~~ of Section 7860. The commercial fishing

1 salmon stamps shall be affixed to either the commercial fishing licenses of the  
2 operator and the crewmembers or, pursuant to subdivision (b), to the vessel's  
3 commercial passenger fishing boat license. No person shall operate, or cause to be  
4 operated, ~~any vessel licensed under this article~~ a commercial passenger fishing boat  
5 in violation of this subdivision. Vessels permitted as commercial salmon fishing  
6 vessels pursuant to ~~Section 8234~~ Article 4.5 (commencing with Section 8230) of  
7 Chapter 2 are exempt from the requirements of this subdivision.

8 (b) Notwithstanding Section ~~1053~~ 1053.1, the department may issue to the owner  
9 or operator of a vessel licensed pursuant to this article, upon application and  
10 payment of the fees prescribed in subdivision (c) of Section 7860, one commercial  
11 fishing salmon stamp for the operator and not more than one additional commercial  
12 salmon stamp for each crewmember required by the United States Coast Guard  
13 regulations. The commercial fishing salmon stamps issued under this subdivision  
14 shall be affixed to the vessel's commercial passenger fishing boat license issued  
15 pursuant to this article.

16 **Comment.** Subdivision (a) of Section 7925 is amended to more clearly identify statutory  
17 permitting authority cross-referenced in the subdivision.

18 Subdivision (b) is amended to update an obsolete cross-reference.

19 The section is also otherwise amended for clarity.

20 **Fish & Game Code § 8032 (amended). Types of licenses**

21 SEC. \_\_\_\_ . Section 8032 of the Fish and Game Code is amended to read:

22 8032. (a) A multi-function commercial fish business license shall be issued that  
23 authorizes any or all activities described in Section 8033, 8034, 8035, or 8036. The  
24 annual fee for this license is one thousand three hundred seventy-three dollars  
25 (\$1,373).

26 (b) Specialty licenses for part of, but not all, activities described in subdivision (a)  
27 shall be issued in five classes, as follows:

28 (1) Fish receiver's license, issued to any person engaged in the business of  
29 receiving fish as provided in Section 8033.

30 (2) Marine aquaria receiver's license, issued to any person engaged in the business  
31 of receiving live marine species indigenous to California waters from a person  
32 required to be a licensed commercial fisherman for the purpose of wholesaling or  
33 retailing those species for pet industry or hobby purposes as provided in Section  
34 8033.1.

35 (3) Fish processor's license, issued to any person engaged in the business of  
36 processing fish as provided in Section 8034.

37 (4) Fish wholesaler's license, issued to any person who is engaged in the business  
38 of wholesaling fish as provided in Section 8035.

39 (5) Fish importer's license, issued to any person who is engaged in the business  
40 of importing fish as provided in Section 8036.

41 (c) The commission shall adjust the amount of the fee specified in subdivision (a),  
42 as necessary, to fully recover, but not exceed, all reasonable administrative and

1 implementation costs of the department and the commission relating to those  
2 licenses.

3 **Comment.** Subdivision (a) of Section 8032 is amended to more precisely identify the license  
4 referenced in the subdivision.

5 **Fish & Game Code § 8037 (amended). License on premises of business**

6 SEC. \_\_\_\_\_. Section 8037 of the Fish and Game Code is amended to read:

7 8037. (a) A person who engages in business involving fish which business activity  
8 would require more than one class of license under this article shall obtain either a  
9 commercial fish business license issued under subdivision (a) of Section 8032 or  
10 each of the specialty licenses which are required for the classes of activities engaged  
11 in. Each plant, facility, or other place of business in which an activity occurs that is  
12 required to be licensed shall have a copy of the required license on the premises.

13 (b) This section shall become operative on January 1, 1993.

14 **Comment.** Subdivision (a) of Section 8037 is amended to clarify its meaning.

15 **Fish & Game Code § 8040 (amended). Definitions**

16 SEC. \_\_\_\_\_. Section 8040 of the Fish and Game Code is amended to read:

17 8040. The following definitions govern the construction of this article.

18 (a) “Commercial fisherman” means a person who has a valid, unrevoked  
19 commercial fishing license issued pursuant to Section 7850.

20 (b) “Landing fee” means a fee imposed on a fish receiver or processor, as  
21 described in pursuant to Section 8041.

22 **Comment.** Subdivision (b) of Section 8040 is amended to reconcile its text with the text of  
23 Section 8041.

24 **Fish & Game Code § 8041 (amended). Landing fee**

25 SEC. \_\_\_\_\_. Section 8041 of the Fish and Game Code is amended to read:

26 8041. (a) The following persons shall pay the landing fee determined pursuant to  
27 Section 8042:

28 (1) Any person who is required to be licensed as a fish receiver, and any person  
29 who is licensed before January 1, 1987, as a wholesaler or a processor pursuant to  
30 former Section 8040 and who receives fish from commercial fishermen.

31 (2) Any commercial fisherman who sells fish to any person who is not a ~~licensed~~  
32 fish receiver licensed under Article 7 (commencing with Section 8030).

33 ~~(b) Notwithstanding subdivision (a), a~~ The following persons are exempt from the  
34 landing fee imposed under this article:

35 (1) A person licensed pursuant to Section 8460 who only takes, transports, or sells  
36 live freshwater fish for bait or a .

37 (2) A commercial fisherman who sells live freshwater fish for bait to such a  
38 licensed person a person described in paragraph (1), and a person licensed pursuant  
39 to Section 8033.1 who takes, transports, or sells live aquaria fish as described in  
40 Section 8597 or a

1 (3) A commercial fisherman who sells live aquaria fish, are exempt from the  
2 landing fee imposed under this article.

3 (4) A person who purchases, sells, takes, or receives live marine fish for use as  
4 live bait as described in subdivision (g) of Section 8030.

5 (5) A person licensed pursuant to Section 8033.1 who takes, transports, or sells  
6 live aquaria fish as described in Section 8597. It is the intent of the Legislature that  
7 the license fee for live aquaria fish described in Section 8033.1 shall be in lieu of a  
8 landing fee imposed under this article.

9 ~~(c) Notwithstanding subdivision (a), a person who purchases, sells, takes, or~~  
10 ~~receives live marine fish for use as live bait as described in subdivision (g) of~~  
11 ~~Section 8030 is exempt from the landing fee imposed under this article.~~

12 **Comment.** Section 8041 is amended for clarity.

13 **Fish & Game Code § 8043 (amended). Landing receipt**

14 SEC. \_\_\_\_ . Section 8043 of the Fish and Game Code is amended to read:

15 8043. ~~(a) Every commercial fisherman who sells or delivers fish that he or she has~~  
16 ~~taken to any person who is not licensed under Article 7 (commencing with Section~~  
17 ~~8030), and every person who is required to be licensed under Article 7 (commencing~~  
18 ~~with Section 8030) to conduct the activities of a fish receiver, as described in Section~~  
19 ~~8033, shall~~ The following persons are required to make a legible landing receipt  
20 record , on a form to be furnished and in a manner prescribed by the department.  
21 The landing receipt shall be completed at the time of the receipt, purchase, or  
22 transfer of fish, whichever occurs first. :

23 (1) Any person who is required to be licensed under Article 7 (commencing with  
24 Section 8030) to conduct the activities of a fish receiver as described in Section  
25 8033.

26 (2) Any commercial fisherman who sells or delivers fish that the fisherman has  
27 taken to any person who is not a fish receiver licensed under Article 7 (commencing  
28 with Section 8030).

29 (3) Any person licensed under Article 7 (commencing with Section 8030) who  
30 takes their own fish.

31 (b) The landing receipt shall show all of the following:

32 (1) The name of the species of landed fish as designated by the department, or if  
33 not designated, the commonly used name of the species.

34 ~~(2) The accurate weight of the species of fish received, as designated pursuant to~~  
35 ~~Section 8045. Sablefish may be reported in dressed weight, and if so reported, shall~~  
36 ~~have the round weights computed, for purposes of management quotas, by~~  
37 ~~multiplying 1.6 times the reported dressed weight.~~

38 ~~(2) (3) The commercial fisherman's name of the fisherman and the fisherman's~~  
39 ~~commercial fishing license identification number.~~

40 ~~(3) (4) The department registration number of the boat.~~

41 ~~(4) (5) The recipient's name of the recipient of the fish, and that person's~~  
42 ~~identification number, if applicable.~~

- 1     ~~(5)~~ (6) The date of receipt.
- 2     ~~(6)~~ (7) The price paid for the fish.
- 3     ~~(7)~~ (8) The department origin block number where the fish were caught.
- 4     ~~(8)~~ (9) The type of gear used.
- 5     ~~(9)~~ (10) Any other information the department may prescribe require.
- 6     (c) Persons identified in paragraph (1) or (2) of subdivision (a) shall complete the
- 7 landing receipt at the time of the receipt, purchase, or transfer of fish, whichever
- 8 occurs first. Persons identified in paragraph (3) of subdivision (a) shall complete the
- 9 landing receipt at the time the fish are are brought ashore.
- 10    (d) Any person taking, purchasing, or receiving fish, whether or not licensed under
- 11 Article 7 (commencing with Section 8030), shall sign the landing receipt.
- 12    (e) The numbered landing receipt forms receipts in each individual landing receipt
- 13 book shall be completed sequentially.
- 14    (f) A voided fish landing receipt shall have the word “VOID” plainly and
- 15 noticeably written on the face of the receipt. A voided fish landing receipt, and
- 16 be submitted to the department in the same manner as a completed fish landing
- 17 receipt is submitted to the department.
- 18    (g) A fish receiver who is no longer conducting business as a licensed receiver
- 19 shall forward all unused landing receipts and landing receipt books to the
- 20 department immediately upon terminating ~~his or her~~ their business activity.
- 21    **Comment.** Section 8043 is amended for clarity, to consolidate provisions from other code
- 22 sections relating to the subject matter of the Section 8043, and to make the section gender neutral.
- 23    The last sentence of subdivision (a) is relocated to subdivision (c).
- 24    Paragraph (3) of subdivision (a), and the second sentence of subdivision (c), continue the first
- 25 sentence of Section 8047(a)(1).
- 26    Paragraph (1) of subdivision (b) continues a provision of former Section 8045.
- 27    Subdivision (d) continues the third sentence of Section 8047(b).

28 **Fish & Game Code § 8045 (repealed). Names of species of fish**

- 29    SEC. \_\_\_\_\_. Section 8045 of the Fish and Game Code is repealed.
- 30    ~~8045. The names used in the landing receipt and transportation receipt made under~~
- 31 ~~Sections 8043 and 8047 for designating the species of fish dealt with shall be those~~
- 32 ~~in common usage unless otherwise designated by the department.~~
- 33    **Comment.** Section 8045 is repealed. See Sections 8043(b)(1), 8047(d)(1).

34 **Fish & Game Code § 8047 (amended). Processing of landing and transportation receipt**

- 35    SEC. \_\_\_\_\_. Section 8047 of the Fish and Game Code is amended to read:
- 36    8047. (a)(1) A person licensed under Article 7 (commencing with Section 8030)
- 37 who takes ~~his or her~~ their own fish shall ~~make a legible record in the form of~~ deliver
- 38 the original signed copy of the landing receipt as required by Sections 8043 and
- 39 8043.1 at the time the fish are brought ashore. The original signed copy of the
- 40 landing receipt shall be delivered by the licensee to the department, as provided in
- 41 Section 8046. A copy of the landing receipt shall be retained by the licensee for a
- 42 period of four years and shall be available for inspection at any time within that

1 period by the department. A copy of the landing receipt shall be delivered to an  
2 agent authorized in writing by the majority of the persons who participated in the  
3 taking of the fish, excluding the commercial fisherman receiving the original copy.

4 (2) A person licensed under Section 8033.5 who sells ~~his or her~~ their fish to a  
5 licensed receiver may use a transportation receipt to transport those fish only to that  
6 licensed receiver. The receiver shall complete a landing receipt for those fish. A  
7 person who sells ~~his or her~~ their fish to the ultimate consumer shall complete a  
8 landing receipt pursuant to Sections 8043 and 8043.2. Transportation receipts shall  
9 be completed at the time the fish are transferred from the fishing vessel.

10 (b) Every commercial fisherman who sells fish taken from the waters of this state  
11 or brought into this state in fresh condition to persons not licensed to receive fish  
12 for commercial purposes pursuant to Article 7 (commencing with Section 8030)  
13 shall make a legible record in the form of the landing receipt required by Sections  
14 8043 and 8043.1. ~~Persons subject to Section 8043 shall remit the landing fee~~  
15 ~~imposed by Section 8041. The person taking, purchasing, or receiving the fish,~~  
16 ~~whether or not licensed under Article 7 (commencing with Section 8030), shall sign~~  
17 ~~the landing receipt.~~ The original signed copy of the landing receipt shall be delivered  
18 by the commercial fisherman to the department, as provided in Section 8046. A  
19 copy of the landing receipt shall be retained by the commercial fisherman for a  
20 period of four years and shall be available for inspection at any time within that  
21 period by the department. A copy of the landing receipt shall be retained by the  
22 person taking, purchasing, or receiving the fish until they are prepared for  
23 consumption or otherwise disposed of. A copy of the landing receipt shall be  
24 delivered to an agent authorized in writing by the majority of the persons who  
25 participated in the taking of the fish, excluding the commercial fisherman receiving  
26 the original copy.

27 (c)(1) Every commercial fisherman or ~~his or her~~ their designee, who transports,  
28 causes to be transported, or delivers to another person for transportation, any fish,  
29 except herring, taken from the waters of this state or brought into this state in fresh  
30 condition, shall fill out a transportation receipt according to the instructions and on  
31 forms provided by the department at the time the fish are brought ashore.

32 (2) The original signed copy of the transportation receipt shall be delivered by the  
33 commercial fisherman to the department on or before the 16th day or the last day of  
34 the month in which the fish were landed, whichever date occurs first after landing.  
35 A copy of the transportation receipt shall be retained by the commercial fisherman  
36 who filled it out for a period of four years and shall be available for inspection at  
37 any time within that period by the department. A copy of the transportation receipt  
38 shall be given to and retained by the person transporting the fish until the fish are  
39 sold fresh, processed, or otherwise disposed of.

40 (3) The transportation receipt is required only for transit purposes.

41 (4) A person transporting fish from the point of first landing under a transportation  
42 receipt is not required to be licensed to conduct the activities of a fish receiver as  
43 described in Section 8033.

1 (5) The transportation book receipt shall be issued to an individual fisherman and  
2 is not transferable.

3 (d) The transportation receipt shall contain all of the following information:

4 (1) The name of each species of transported fish, ~~pursuant to Section 8045~~ as  
5 designated by the department, or if not designated, the commonly used name of the  
6 species.

7 (2) The date and time of the receipt.

8 (3) The accurate weight of the species of fish being transported. Sablefish may be  
9 reported in dressed weight, and if so reported, shall have the round weights  
10 computed, for purposes of management quotas, by multiplying 1.6 times the  
11 reported dressed weight.

12 (4) The name and identification number of the fisherman. The signature of the  
13 fisherman authorizing transportation.

14 (5) The name of the person transporting the fish.

15 (6) The name of the fish business, the fish business identification number, and the  
16 corresponding landing receipt number issued by the fish business to the commercial  
17 fisherman.

18 (7) The department registration number of the vessel and the name of the vessel.

19 (8) The department origin block number where the fish were caught.

20 (9) The port of first landing.

21 (10) Any other information the department may prescribe.

22 (e) The numbered transportation receipt forms in each individual transportation  
23 receipt book shall be completed sequentially. A voided fish transportation receipt  
24 shall have the word “VOID” plainly and noticeably written on the face of the receipt.  
25 A voided fish transportation receipt shall be submitted to the department in the same  
26 manner as a completed fish transportation receipt is submitted to the department. A  
27 commercial fisherman who is no longer conducting business as a licensed fisherman  
28 shall forward all unused transportation receipts and transportation receipt books to  
29 the department immediately upon terminating ~~his or her~~ their business activity.

30 **Comment.** Section 8047 is amended to clarify its interrelationship with other sections, eliminate  
31 duplicate provisions, and make the section gender neutral.

32 A portion of the first sentence of paragraph (1) of subdivision (a) is continued in Section  
33 8043(a)(3), and the remainder is combined with the second sentence of that paragraph.

34 The second sentence of subdivision (b) is continued in Section 8041.

35 The third sentence of subdivision (b) is continued in Section 8043(d).

36 The amendment of paragraph (1) of subdivision (d) continues a provision from former Section  
37 8045.

### 38 **Fish & Game Code § 8050 (amended). Accounting records**

39 SEC. \_\_\_\_ . Section 8050 of the Fish and Game Code is amended to read:

40 8050. (a) In addition to the receipt required ~~in~~ by Section 8043, every person  
41 licensed under Article 7 (commencing with Section 8030), and any commercial  
42 fisherman who sells fish to persons who are not licensed under Article 7  
43 (commencing with Section 8030), and any person who deals in fresh or frozen fish

1 for profit, shall keep accounting records in which all of the following shall be  
2 recorded:

3 (1) ~~The names of the~~ name as designated by the department of each different  
4 species of fish sold, distributed, or taken, or if not designated, the commonly used  
5 name of each species.

6 (2) The number of pounds sold, distributed, or taken of each different species.

7 (3) The name of the person to whom the fish were sold or distributed.

8 (4) The name, address, and phone number of the seller or distributor.

9 (5) The date of sale.

10 (6) The price paid.

11 (7) The intended use.

12 (b) Accounting record information required by this section that is transmitted  
13 from any person identified in subdivision (a) to any business that deals in fish for  
14 profit shall be in the English language.

15 (c) The accounting records shall be maintained by both buyer and seller for a  
16 period of three years and upon request, shall be open for inspection during normal  
17 business hours by the department. The accounting records shall be maintained  
18 within the State of California.

19 ~~(d) The names used for designating the species of fish shall be those in common~~  
20 ~~usage unless otherwise designated by the department.~~

21 **Comment.** Paragraph (1) of subdivision (a) of Section 8050 is amended to incorporate the  
22 substance of subdivision (d).

23 Subdivision (a) is also amended to make a technical correction.

24 **Fish & Game Code § 8104 (amended and renumbered). Transfer of permit of deceased**  
25 **permittee**

26 SEC. \_\_\_\_\_. Section 8104 of the Fish and Game Code is amended and renumbered  
27 to read:

28 ~~8104. 8552.65.~~ (a) Upon the death of a ~~limited-entry~~ herring permittee, the permit  
29 shall vest in the permittee's estate or in the surviving community estate, and may be  
30 transferred by the executor, administrator, personal representative, or surviving  
31 spouse to a qualified pointholder pursuant to Section 8552.2, or to a ~~partner~~ qualified  
32 partner, pursuant to Section 8552.6. ~~This~~

33 (b) The transfer shall be initiated by notice to the department, in writing, sent by  
34 certified mail, within one year of the date of death.

35 (c) If no transfer is initiated within one year of the date of death, the permit shall  
36 revert to the department for disposition pursuant to Section 8552.4, and ~~shall be~~  
37 thereafter be treated as a herring permit that has not been renewed.

38 (d) The department may, upon written application, grant an extension of time up  
39 to one additional year for the transfer to be initiated.

40 **Comment.** Section 8104 is amended and renumbered as Section 8552.65 to clarify its intended  
41 application to herring permittees.

42 The section is also amended for clarity, and to add subdivision designations.

1 **Fish & Game Code § 8233.5 (amended). Change of ownership of permitted vessel**

2 SEC. \_\_\_\_ . Section 8233.5 of the Fish and Game Code is amended to read:

3 8233.5. (a) Except as otherwise provided in this article, the department shall  
4 change the designation of the holder of a permit, and with it shall go all rights,  
5 privileges, and obligations of a permit holder, including rights of renewal, upon  
6 receipt of a notice of change of ownership to a new owner of a permitted vessel. A  
7 permit changed pursuant to this section is valid for the permit year during which it  
8 is issued to the new owner of a permitted vessel upon receipt of a notice of change  
9 of ownership of the permitted vessel, whether the change of ownership is by  
10 contract, by operation of law, or otherwise.

11 (b) The permit shall not be transferred to any other vessel, except by the issuance  
12 of a permit for use of the replacement vessel pursuant to subdivision (c) and Sections  
13 8239 to 8241, inclusive.

14 (c) The owner of the permitted vessel may seek to retire the permitted vessel from  
15 the commercial salmon fishery and apply for transfer of the permit, to be issued  
16 pursuant to Section 8241, for use of a replacement vessel.

17 (d) A permit changed pursuant to this section is valid for the permit year during  
18 which it is issued.

19 (e) Upon change of the designation of the holder of the permit, all rights,  
20 privileges, and obligations of a permit holder, including rights of renewal, are  
21 transferred to the new owner of a permitted vessel.

22 **Comment.** Section 8233.5 is amended to incorporate the provisions of former Section 8237.

23 **Fish & Game Code § 8237 (repealed). Use of vessel permit after change of ownership**

24 SEC. \_\_\_\_ . Section 8237 of the Fish and Game Code is repealed.

25 ~~8237. (a) The department shall change the designation of the holder of a permit to~~  
26 ~~the new owner of a permitted vessel upon change of ownership of the permitted~~  
27 ~~vessel, whether the change of ownership is by contract, by operation of law, or~~  
28 ~~otherwise.~~

29 ~~(b) The permit shall not be transferred to any other vessel, except by the issuance~~  
30 ~~of a permit for use of the replacement vessel pursuant to subdivision (c) and Sections~~  
31 ~~8239 to 8241, inclusive.~~

32 ~~(c) The owner of the permitted vessel may seek to retire the permitted vessel from~~  
33 ~~the commercial salmon fishery and apply for transfer of the permit, to be issued~~  
34 ~~pursuant to Section 8241, for use of a replacement vessel.~~

35 **Comment.** Section 8237 is repealed. Its provisions are incorporated in Section 8233.5.

36 **Fish & Game Code § 8246 (amended). Compromise or dismissal of suspension or revocation**  
37 **of commercial salmon fishing privilege**

38 SEC. \_\_\_\_ . Section 8246 of the Fish and Game Code is amended to read:

39 8246. (a) At any time after notice of an order suspending or revoking of a person's  
40 commercial salmon fishing privilege is issued by the commission, and before the  
41 order of suspension or revocation is final, the commission may, with the agreement

1 of the person subject to the action, compromise or dismiss the action to suspend or  
2 revoke the commercial salmon fishing privilege in the best interests of the state, or  
3 the commission may compromise or dismiss the action with the agreement of the  
4 person subject to the action on terms and conditions, which may include, but are not  
5 limited to, the payment of civil damages, the reduction of a revocation to a  
6 suspension for a specified period of time, or any other terms and conditions.

7 (b) The commission, after notice and opportunity for hearing, may suspend or  
8 revoke the commercial fishing privilege, authorized under a license issued for the  
9 purposes of Section 7850, for any violation of a term or condition of an agreement  
10 to compromise or dismiss a separate suspension or revocation action that was made  
11 pursuant to subdivision (a).

12 (c) If the commission orders a suspension or revocation of a person's commercial  
13 salmon fishing privilege, any permit issued pursuant to this article shall be renewed  
14 when the next renewal is due or the permit shall expire as provided in Section 8233.

15 (d) Subdivision ~~(b)~~ (a) does not apply if an action is brought to recover civil  
16 damages under Section 2014 from the person subject to action under this section.

17 **Comment.** Subdivision (d) of Section 8246 is amended to correct an erroneous cross-reference.

18 **Fish & Game Code § 8246.2 (amended). Determination of civil damages**

19 SEC. \_\_\_\_\_. Section 8246.2 of the Fish and Game Code is amended to read:

20 8246.2. (a) The commission, in consultation with the department, shall adopt  
21 regulations for the determination of civil damages provided for in subdivision ~~(b)~~  
22 (a) of Section 8246 that give due consideration to the appropriateness of the civil  
23 damages with respect to all of the following factors:

- 24 (1) The gravity of the violation.
- 25 (2) The good faith of the convicted licensee.
- 26 (3) The history of previous violations.
- 27 (4) The damage to the fishery.
- 28 (5) The cost of restoration of the fishery.

29 (b) Civil damages imposed under subdivision ~~(b)~~ (a) of Section 8246 shall be due  
30 and payable on or before a date that is 30 days after the compromise is entered into.

31 **Comment.** Section 8246.2 is amended to correct two erroneous cross-references.

32 **Fish & Game Code § 8276.5 (amended). Dungeness crab trap limits**

33 SEC. \_\_\_\_\_. Section 8276.5 of the Fish and Game Code is amended to read:

34 8276.5. (a) In consultation with the Dungeness crab task force, or its appointed  
35 representatives, the director shall adopt a program, by March 31, 2013, for  
36 Dungeness crab trap limits for all California permits. Unless the director finds that  
37 there is consensus in the Dungeness crab industry that modifications to the  
38 following requirements are more desirable, with evidence of consensus, including,  
39 but not limited to, the record of the Dungeness crab task force, the program shall  
40 include all of the following requirements:

1 (1) The program shall contain seven tiers of Dungeness crab trap limits based on  
2 California landings receipts under California permits between November 15, 2003,  
3 and July 15, 2008, as follows:

4 (A) The 55 California permits with the highest California landings shall receive a  
5 maximum allocation of 500 trap tags.

6 (B) The 55 California permits with the next highest California landings to those  
7 in subparagraph (A) shall receive a maximum allocation of 450 trap tags.

8 (C) The 55 California permits with the next highest California landings to those  
9 in subparagraph (B) shall receive a maximum allocation of 400 trap tags.

10 (D) The 55 California permits with the next highest California landings to those  
11 in subparagraph (C) shall receive a maximum allocation of 350 trap tags.

12 (E) The 55 California permits with the next highest California landings to those  
13 in subparagraph (D) shall receive a maximum allocation of 300 trap tags.

14 (F) The remaining California permits with the next highest California landings to  
15 those in subparagraph (E), which are not described in paragraph (1) or (2) of  
16 subdivision (i) of Section 8276.4, shall receive a maximum allocation of 250 trap  
17 tags.

18 (G) The California permits described in paragraphs (1) and (2) of subdivision (i)  
19 of Section 8276.4 shall receive a maximum allocation of 175 trap tags. ~~The trap tags  
20 in this tier shall not be transferable for the first two years of the program.~~

21 ~~(2) Notwithstanding paragraph (1), the director shall not remove a permit holder  
22 from a tier described in paragraph (1), if, after an allocation is made pursuant to  
23 paragraph (1), an appeal pursuant to paragraph (8) places a permit holder in a tier  
24 different than the original allocation.~~

25 ~~(3)~~ (2) Participants in the program shall meet all of the following requirements:

26 (A) Unless a participant receives a waiver pursuant to paragraph ~~(4)~~ (3), pay a  
27 biennial fee for each trap tag issued pursuant to this section to pay the pro rata share  
28 of costs of the program, including, but not limited to, informing permit holders of  
29 the program, collecting fees, acquiring and sending trap tags to permit holders,  
30 paying for a portion of enforcement costs, and monitoring the results of the program.  
31 The fee shall not exceed five dollars (\$5) per trap, per two-year period. All of the  
32 trap tags allocated to each permit pursuant to subdivision (a) shall be purchased by  
33 the permit holder or the permit shall be void.

34 (B) Purchase a biennial crab trap limit permit of not more than one thousand  
35 dollars (\$1,000) per two-year period to pay for the department's reasonable  
36 regulatory costs.

37 (C) Not lease a crab trap tag, and transfer a tag only as part of a transaction to  
38 purchase a California permitted crab vessel.

39 (D) A Dungeness crab trap that is fished shall contain a trap tag that is fastened to  
40 the main buoy, and an additional tag provided by the permit holder attached to the  
41 trap. The department shall mandate the information that is required to appear on  
42 both buoy and trap tags.

1 (4) (3) The department shall issue a participant a waiver from the biennial fee for  
2 each trap tag described in subparagraph (A) of paragraph (3) (2) if the participant is  
3 unable to fish due to mandatory military service and the participant submits a  
4 request for a waiver to the department at the same time that the participant renews  
5 the permit issued pursuant to subparagraph (B) of paragraph (3) (2). A participant  
6 who receives a waiver pursuant to this paragraph shall not apply to the department  
7 to fish for Dungeness crab during the first year of the waiver, but may apply to fish  
8 for Dungeness crab during the second year of the waiver if the participant pays the  
9 full cost of the biennial fee for each trap tag. The department shall not limit the  
10 number of times a participant may request a waiver.

11 (5) (4) Notwithstanding subparagraph (D) of paragraph (3) (2), a vessel may  
12 transit state waters with Dungeness crab traps that are not tagged pursuant to  
13 subparagraph (D) of paragraph (3) (2) if the traps contain either a valid Oregon or  
14 Washington trap tag, no crab species are onboard the vessel, and the traps are not  
15 deployed in state waters.

16 (6) (5) The department shall annually provide an accounting of all costs associated  
17 with the crab trap limit program. The department shall use excess funds collected to  
18 reduce the cost of the crab trap limit permit fee or tag fee in subsequent years of the  
19 program.

20 (7) (6) Permitholders may replace lost tags by application to the department and  
21 payment of a fee not to exceed the reasonable costs incurred by the department. The  
22 department may waive or reduce a fee in the case of catastrophic loss of tags.

23 ~~(8) Any Dungeness crab permit holder may submit to the director an appeal of a~~  
24 ~~trap tag allocation received pursuant to this section, by March 31, 2014, on a permit-~~  
25 ~~by permit basis for the purpose of revising upward or downward any trap tag~~  
26 ~~allocation. Any appeal to revise upward a trap tag allocation shall be based on~~  
27 ~~evidence that a permit's California landings during the period between November~~  
28 ~~15, 2003, and July 15, 2008, inclusive, were reduced as a result of unusual~~  
29 ~~circumstances and that these circumstances constitute an unfair hardship, taking into~~  
30 ~~account the overall California landings history as indicated by landing receipts~~  
31 ~~associated with the permit. The director shall initiate the appeal process within 12~~  
32 ~~months of receiving an appeal request. The appeal shall be heard and decided by an~~  
33 ~~administrative law judge of the Office of Administrative Hearings, whose decision~~  
34 ~~shall constitute the final administrative decision. Except as provided in~~  
35 ~~subparagraph (B), any Dungeness crab permit holder requesting an appeal to revise~~  
36 ~~upward the permit holder's trap tag allocation shall pay all expenses, including a~~  
37 ~~nonrefundable filing fee, as determined by the department, to pay for the~~  
38 ~~department's reasonable costs associated with the appeal process described in this~~  
39 ~~paragraph.~~

40 (b)(1) In addition to criminal penalties authorized by law, a violation of the  
41 requirements of the program created pursuant to this section shall be subject to the  
42 following civil penalties:

1 (A) Conviction of a first offense shall result in a fine of not less than two hundred  
2 fifty dollars (\$250) and not more than one thousand dollars (\$1,000) per illegal trap  
3 or fraudulent tag.

4 (B) Conviction of a second offense shall result in a fine of not less than five  
5 hundred dollars (\$500) and not more than two thousand five hundred dollars  
6 (\$2,500) per illegal trap or fraudulent tag, and the permit may be suspended for one  
7 year.

8 (C) Conviction of a third offense shall result in a fine of not less than one thousand  
9 dollars (\$1,000) and not more than five thousand dollars (\$5,000) per illegal trap or  
10 fraudulent tag, and the permit may be permanently revoked.

11 (2) The severity of a penalty within the ranges described in this subdivision shall  
12 be based on a determination whether the violation was willful or negligent and other  
13 factors.

14 (3) The portion of monetary judgments for noncompliance that are paid to the  
15 department shall be deposited in the Dungeness Crab Account created pursuant to  
16 subdivision (e).

17 (c) For the purposes of this section, a proposed recommendation that receives an  
18 affirmative vote of at least two-thirds of the voting members of the Dungeness crab  
19 task force may be transmitted to the director or the Legislature as a recommendation,  
20 shall be considered to be the consensus of the task force, and shall be considered to  
21 be evidence of consensus in the Dungeness crab industry. Any proposed  
22 recommendation that does not receive a vote sufficient to authorize transmittal to  
23 the director or Legislature as a recommendation shall be evidence of a lack of  
24 consensus by the Dungeness crab task force, and shall be considered to be evidence  
25 of a lack of consensus in the crab industry.

26 (d) The director may modify the program adopted pursuant to subdivision (a), if  
27 consistent with the requirements of this section, after consultation with the  
28 Dungeness crab task force or its representatives and after the task force has had 60  
29 days or more to review the proposed modifications and recommend any proposed  
30 changes. The director may implement the modifications earlier than 60 days after it  
31 is sent to the Dungeness crab task force for review, if recommended by the task  
32 force.

33 (e) The Dungeness Crab Account is hereby established in the Fish and Game  
34 Preservation Fund and the fees collected pursuant to this section shall be deposited  
35 in that account. The money in the account shall be used as follows:

36 (1) By the department, upon appropriation by the Legislature, for administering  
37 and enforcing the program.

38 (2) In each fiscal year through the 2029 fiscal year, upon appropriation by the  
39 Legislature, of the amount remaining in the account after an allocation pursuant to  
40 paragraph (1), the sum of one hundred fifty thousand dollars (\$150,000), if  
41 available, shall be allocated to the council to support the administration and  
42 facilitation of the Dungeness crab task force.

1 (f) For purposes of meeting the necessary expenses of initial organization and  
2 operation of the program until fees may be collected, or other funding sources may  
3 be received, the department may borrow money as needed for these expenses from  
4 the council. The borrowed money shall be repaid within one year from the fees  
5 collected or other funding sources received. The council shall give high priority to  
6 providing funds or services to the department, in addition to loans, to assist in the  
7 development of the program, including, but not limited to, the costs of convening  
8 the Dungeness crab task force, environmental review, and the department’s costs of  
9 attending meetings with task force members.

10 (g)(1) It is the intent of the Legislature that the department, the council, and the  
11 Dungeness crab task force work with the Pacific States Marine Fisheries  
12 Commission and the Tri-State Dungeness Crab Commission to resolve any issues  
13 pertaining to moving the fair start line south to the border of California and Mexico.

14 (2) For purposes of this subdivision, the resolution of issues pertaining to the fair  
15 start line shall be limited to assessing the positive and negative implications of  
16 including District 10 in the tri-state agreement, including working with the Tri-State  
17 Dungeness Crab Commission to amend Oregon and Washington laws to include  
18 District 10 in the regular season fair start clause, and discussion of providing  
19 different rules for District 10 with regard to preseason quality testing.

20 (h) For purposes of this section, “council” means the Ocean Protection Council  
21 established pursuant to Section 35600 of the Public Resources Code.

22 (i) This section shall become inoperative on April 1, 2029, and, as of January 1,  
23 2030, is repealed, unless a later enacted statute, that becomes operative on or before  
24 January 1, 2030, deletes or extends the dates on which it becomes inoperative and  
25 is repealed.

26 **Comment.** Section 8276.5 is amended to delete obsolete provisions within the section, and make  
27 conforming revisions.

28 **Fish & Game Code § 8398 (amended). Take in Tomales Bay**

29 SEC. \_\_\_\_ . Section 8398 of the Fish and Game Code is amended to read:

30 8398. (a) It is unlawful to take fish for commercial purposes in that portion of  
31 Tomales Bay in District 10 between a line drawn from the most northern tip of  
32 Tomales Point northeast, 47° magnetic, to the opposite shore in the vicinity of Dillon  
33 Beach, and a line drawn west from the western tip of Tom’s Point, 252° magnetic,  
34 to the opposite eastern shore of Tomales Point.

35 (b) This section does not apply to the taking of oysters by ~~persons licensed under~~  
36 ~~Article 4 (commencing with Section 6480), Chapter 5, Part 1, Division 6 from their~~  
37 ~~allotted areas~~ a person who has obtained a state water bottom lease pursuant to  
38 Chapter 5 (commencing with Section 15400) of Division 12 for the cultivation of  
39 oysters, in their lease site.

40 **Comment.** Subdivision (b) of Section 8398 is amended to revise an incorrect cross-reference,  
41 and reflect that the taking of oysters is presently authorized and governed by Chapter 5  
42 (commencing with Section 15400) of Division 12 of this code.

1 The section is also amended to add subdivision designations.

2 **Fish & Game Code § 8399.1 (amended). Unlawful activity in District 10**

3 SEC. \_\_\_\_ . Section 8399.1 of the Fish and Game Code is amended to read:

4 8399.1. (a) In District 10, it is unlawful to engage in the following activities:

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

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

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

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

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

18 (2) It is used to assist a larger federally-licensed or state-registered fishing vessel  
19 by assisting in the deployment and retrieval of nets and the landing of fish, and that  
20 .

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

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

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

25 **Comment.** Section 8399.1 is amended for clarity.

26 **Fish & Game Code § 8403 (amended). Take of marine species of fin fish**

27 SEC. \_\_\_\_ . Section 8403 of the Fish and Game Code is amended to read:

28 8403. (a) To the extent not in conflict with Section 8607, marine species of fin  
29 fish ~~which~~ that are classified as groundfish may be taken under the regulations of  
30 the commission.

31 (b) Marine species of fin fish, including, but not limited to, fin fish ~~which~~ that are  
32 classified as groundfish, may be taken with fin fish traps, subject to Article 1  
33 (commencing with Section 9000) of Chapter 4, under regulations of the  
34 commission. The regulations may limit the number of fin fish traps ~~which~~ that any  
35 vessel may use, designate the areas in which the traps may be used, and prescribe  
36 other limitations on the use of fin fish traps.

37 (c) ~~Any other species not~~ Except as otherwise prohibited, any species may be  
38 taken in a fin fish trap.

39 **Comment.** Section 8403 is amended for clarity.

1 **Fish & Game Code § 8429 (amended). Revocation of privileges for materially false**  
2 **statements**

3 SEC. \_\_\_\_\_. Section 8429 of the Fish and Game Code is amended to read:  
4 8429. (a) Any statement made to the department, orally or in writing, relating to  
5 a permit issued under this article, shall be made under penalty of perjury.

6 (b) The commission shall revoke the commercial fishing license, the commercial  
7 boat registration of any vessel, and, if applicable, any licenses issued pursuant to  
8 Section 8032, 8033, or 8034 that are held by any person submitting material false  
9 statements, as determined by the commission, for the purpose of obtaining a  
10 commercial market squid vessel permit or a commercial squid light boat owner's  
11 permit.

12 **Comment.** Subdivision (b) of Section 8429 is amended for clarity.  
13 The section is also amended to add subdivision designations.

14 **Fish & Game Code § 8475 (renumbered). Commission regulation of take of freshwater**  
15 **claims for commercial purpose**

16 SEC. \_\_\_\_\_. Section 8475 of the Fish and Game Code is renumbered to read:  
17 ~~8475.~~ 8438. Notwithstanding Section 200, the commission shall regulate the  
18 taking of freshwater clams for commercial purposes.

19 **Comment.** Section 8475 is renumbered as Section 8438 and relocated to Article 10  
20 (commencing with Section 8430) of Chapter 2 of Part 3 of Division 6, to clarify the intended  
21 application of the section.

22 **Fish & Game Code § 8494 (amended). Halibut bottom trawl vessel permits**

23 SEC. \_\_\_\_\_. Section 8494 of the Fish and Game Code is amended to read:  
24 8494. (a) Any vessel using bottom trawl gear in state-managed halibut fisheries,  
25 as described in subdivision (a) of Section 8841, shall possess a valid California  
26 halibut bottom trawl vessel permit that has not been suspended or revoked and that  
27 is issued by the department authorizing the use of trawl gear by that vessel for the  
28 take of California halibut.

29 (b) A California halibut bottom trawl vessel permit shall be issued annually, and  
30 commencing with the 2006 permit year, and an applicant shall have been ~~and an applicant shall have been~~ shall be  
31 issued only to a person who had been issued a California halibut bottom trawl vessel  
32 permit in the immediately preceding permit year.

33 (c) Permits issued pursuant to this section may be transferred only if at least one  
34 of the following occur:

35 (1) The commission adopts a restricted access program for the fishery that is  
36 consistent with the commission's policies regarding restricted access to commercial  
37 fisheries.

38 (2)(A) Before the implementation of a halibut trawl restricted access program, the  
39 department may consider requests from a vessel permitholder or the permitholder's  
40 conservator or estate representative, as applicable, to transfer a vessel permit to a  
41 vessel consistent with the requirements of subparagraph (B) or (C). The department  
42 may request information that it determines is reasonably necessary from the

1 permitholder or the permitholder’s conservator or heirs or estate for the purpose of  
2 verifying statements in the request before authorizing the transfer of the permit.

3 (B) The department may approve the transfer of a California halibut bottom trawl  
4 vessel permit to a replacement vessel if all of the following requirements are met:

5 (i) In the form of a notarized application, the permitholder submits to the  
6 department a request for the transfer of a California halibut bottom trawl vessel  
7 permit to another vessel owned by the permitholder.

8 (ii) The permitholder provides a current United States Coast Guard certificate of  
9 documentation or vessel marine survey to the department for the permitted vessel  
10 and replacement vessel.

11 (iii) Based on the information provided pursuant to clause (ii), the department  
12 determines that the replacement vessel is equal to or less than the capacity of the  
13 permitted vessel.

14 (iv) The department determines the California halibut bottom trawl vessel permit  
15 for the permitted vessel is valid and has not been suspended or revoked.

16 (v) If applicable, the department receives written confirmation from the  
17 replacement vessel’s owner or authorized agent, or mortgager, of the vessel’s  
18 participation in the transfer of the California halibut bottom trawl vessel permit.

19 (vi) The replacement vessel is registered with the department pursuant to Section  
20 7881 at the time the application is submitted pursuant to clause (i).

21 (C) The department may approve the transfer of a California halibut bottom trawl  
22 vessel permit to another person if all of the following requirements are met:

23 (i) In the form of a notarized application, the permitholder or the permitholder’s  
24 conservator or estate submits to the department a request to transfer a California  
25 halibut bottom trawl vessel permit to another person.

26 (ii) If the permitholder’s estate submits a request pursuant to clause (i), the estate  
27 submits the notarized application to the department within one year of the death of  
28 the permitholder as listed on the death certificate.

29 (iii) A current United States Coast Guard certificate of documentation or vessel  
30 marine survey is provided to the department for the permitted vessel and vessel to  
31 be used by the proposed transferee.

32 (iv) Based on the information provided pursuant to clause (iii), the department  
33 determines that the vessel to be used by the proposed transferee is equal to or less  
34 than the capacity of the permitted vessel.

35 (v) The proposed transferee meets both of the following requirements:

36 (I) The person has a valid commercial fishing license issued pursuant to Section  
37 7852 that has not been suspended or revoked.

38 (II) The person is the owner of a commercial fishing vessel that is registered with  
39 the department pursuant to Section 7881 and that registration has not been  
40 suspended or revoked.

41 (vi) The permit for the permitted vessel is current, and the permitholder or the  
42 permitholder’s conservator or estate submitting the application is responsible for

1 any renewal of the permit that becomes due during the application processing  
2 period.

3 (vii) Under penalty of perjury, the permitholder or the permitholder's conservator  
4 or estate signs the application for transfer and certifies that the information included  
5 is true to the best of the permitholder's information and belief.

6 (D) Any applicant who is denied transfer pursuant to this paragraph may appeal  
7 the denial in writing describing the basis for the appeal to the commission within 60  
8 days from the date of the department's decision.

9 (d) The commission shall establish California halibut bottom trawl vessel permit  
10 fees based on the recommendations of the department and utilizing the guidelines  
11 outlined in subdivision (b) of Section 711 to cover the costs of administering this  
12 section. Before the adoption of a restricted access program pursuant to subdivision  
13 (c), fees may not exceed one thousand dollars (\$1,000) per permit.

14 (e) Individuals holding a federal groundfish trawl permit may retain and land up  
15 to 150 pounds of California halibut per trip without a California halibut trawl permit  
16 in accordance with federal and state regulations, including, but not limited to,  
17 regulations developed under a halibut fishery management plan.

18 (f) This section shall become inoperative upon the adoption by the commission of  
19 a halibut fishery management plan in accordance with the requirements of Part 1.7  
20 (commencing with Section 7050).

21 (g) The commission may adopt regulations to implement this section.

22 **Comment.** Subdivision (b) of Section 8494 is amended to clarify its meaning.

23 **Fish & Game Code § 8603 (amended). Prohibition against use of gear to take fish except as**  
24 **authorized**

25 SEC. \_\_\_\_\_. Section 8603 of the Fish and Game Code is amended to read:

26 8603. It is unlawful to use or operate or assist in using or operating any net, trap,  
27 line, spear, or appliance, other than in connection with angling, in taking fish, except  
28 as ~~provided in this chapter or Chapter 4 of this part~~ authorized by this code.

29 **Comment.** Section 8603 is amended to provide an exception to the prohibitions of the section  
30 when a described action is otherwise authorized by the Fish and Game Code.

31 **Fish & Game Code § 8606.1 (repealed). Use of nearshore trawl nets**

32 SEC. \_\_\_\_\_. Section 8606.1 of the Fish and Game Code is repealed.

33 ~~8606.1. (a) The Legislature finds and declares that the use of nearshore trawl nets~~  
34 ~~was authorized through the experimental gear permit process and the alternative~~  
35 ~~gear development program as a potential alternative to the use of gill and trammel~~  
36 ~~nets in areas where the use of that gear type has been prohibited.~~

37 ~~(b) The Legislature, in considering the needs of user groups, requires the use of~~  
38 ~~nearshore trawl nets to be phased out effective January 1, 1993.~~

39 **Comment.** Section 8606.1 is repealed as obsolete.

1 **Fish & Game Code § 8614-8615 (repealed). Development of Alternative Fishing Gear**

2 SEC. \_\_\_\_\_. Article 1.5 (commencing with Section 8614) of Chapter 3 of Part 3 of  
3 Division 6 of the Fish and Game Code is repealed.

4 **Comment.** Article 1.5 is repealed as obsolete. See Section 1022.

5 **Fish & Game Code § 8623 (amended). Use of purse seines or round haul nets**

6 SEC. \_\_\_\_\_. Section 8623 of the Fish and Game Code is amended to read:

7 8623. (a) It is unlawful to use any purse seine or round haul net to take yellowtail,  
8 barracuda, or white sea bass.

9 (b) It is unlawful to possess any yellowtail, barracuda, or white sea bass, except  
10 those taken south of the international boundary between the United States and  
11 Mexico, and imported into the state under regulations of the commission as provided  
12 in Section 2362, on any boat carrying or using any purse seine or round haul net,  
13 including, but not limited to, a bait net as described in Section 8780.

14 (c) Gill nets with meshes of a minimum length of 3<sup>1</sup>/<sub>2</sub> inches may be used to take  
15 yellowtail and barracuda.

16 (d) Gill nets with meshes of a minimum length of six inches may be used to take  
17 white sea bass; however, during the period from June 16 to March 14, inclusive, not  
18 more than 20 percent by number of a load of fish may be white seabass 28 inches  
19 or more in total length, up to a maximum of 10 white seabass per load, if taken in  
20 gill nets or trammel nets with meshes from 3<sup>1</sup>/<sub>2</sub> to 6 inches in length.

21 (e) Notwithstanding ~~the provisions of this section~~ subdivision (b), the department  
22 may issue permits to hook and line commercial fishermen to possess a bona fide  
23 bait net on their vessels for the purpose of taking bait for their own use only.

24 **Comment.** Section 8623 is amended to clarify the application of subdivision (e) of the section.

25 **Fish & Game Code § 8625 (amended). Nets for halibut**

26 SEC. \_\_\_\_\_. Section 8625 of the Fish and Game Code is amended to read:

27 8625. (a) Except as otherwise provided in this code, set gill nets and trammel nets  
28 with mesh size of not less than 8<sup>1</sup>/<sub>2</sub> inches may be used to take California halibut.

29 (b) Except as provided in subdivision (c), not more than 1,500 fathoms (9,000  
30 feet) of gill net or trammel net shall be fished in combination each day for California  
31 halibut from any vessel in ocean waters.

32 (c) Not more than 1,000 fathoms (6,000 feet) of gill net or trammel net shall be  
33 fished in combination each day for California halibut from any vessel in ocean  
34 waters between a line extending due west magnetic from Point Arguello in Santa  
35 Barbara County and a line extending 172° magnetic from Rincon Point in Santa  
36 Barbara County to San Pedro Point at the east end of Santa Cruz Island in Santa  
37 Barbara County, then extending southwesterly 188° magnetic from San Pedro Point  
38 on Santa Cruz Island.

39 ~~(d) This section shall become operative on August 15, 1989.~~

40 **Comment.** Section 8625 is amended to delete obsolete material.

1 **Fish & Game Code § 8626 (amended). Nets for halibut in specified areas**

2 SEC. \_\_\_\_\_. Section 8626 of the Fish and Game Code is amended to read:

3 8626. (a) Notwithstanding Section 8625, and where consistent with the  
4 determination made pursuant to subdivisions (b) and (c), the director may reduce  
5 the minimum mesh size permitted for gill and trammel nets used to take California  
6 halibut from 8<sup>1/2</sup> inches to not less than 8 inches in any or all areas south of a line  
7 extending 240° magnetic from the boundary line between the Counties of Los  
8 Angeles and Ventura.

9 (b) If, on or before October 1, 1990, the department determines that commercial  
10 landings of California halibut taken south of the line extending 240° magnetic from  
11 the boundary line between the Counties of Los Angeles and Ventura in the period  
12 between September 1, 1989, and August 31, 1990, decline by 10 percent or more  
13 compared with landings of California halibut taken in this area during the period  
14 between September 1, 1988, and August 31, 1989, the department shall assess the  
15 impact of the 8<sup>1/2</sup> inch minimum mesh size restriction on the California halibut  
16 fishery in the area described in subdivision (a). The assessment shall include, but is  
17 not limited to, an analysis of landing data, including landings of California halibut  
18 in Los Angeles, Orange, and San Diego Counties, the age and size composition of  
19 the catch, and the department's monitoring at sea of the gill and trammel net fishery.

20 (c) If the department determines that the 8<sup>1/2</sup> inch minimum mesh size, established  
21 pursuant to Section 8625 has directly resulted in a decline of 10 percent or more in  
22 landings of California halibut south of the line extending 240° magnetic from the  
23 boundary between the Counties of Los Angeles and Ventura, the director shall hold  
24 a public hearing in the area affected to make findings and take public testimony  
25 prior to taking any action pursuant to subdivision (a).

26 ~~(d) This section shall become operative on August 15, 1989.~~

27 **Comment.** Section 8626 is amended to delete obsolete material.

28 **Fish & Game Code § 8752 (amended). Districts 6, 7, 8, 9, 10, and 11**

29 SEC. \_\_\_\_\_. Section 8752 of the Fish and Game Code is amended to read:

30 8752. In Districts 6, 7, 8, 9, 10, and 11, ~~purse and~~ round haul nets may be used.

31 **Comment.** Section 8752 is amended to eliminate a superfluous reference to purse nets. See  
32 Section 8750 (round haul nets include purse nets).

33 **Fish & Game Code § 8754 (amended). Districts 16, 17, 18, and 19**

34 SEC. \_\_\_\_\_. Section 8754 of the Fish and Game Code is amended to read:

35 8754. (a) In Districts 16, 17, 18, and 19, ~~purse and~~ round haul nets may be used,  
36 except that purse seines or ring nets may not be used in that portion of District 19  
37 lying within three miles offshore from the line of the high-water mark along the  
38 coast of Orange County from sunrise Saturday to sunset Sunday from May 1 to  
39 September 10, inclusive.

40 (b) Purse seine or ring nets may not be used from May 1 to September 10,  
41 inclusive, in the following portions of District 19:

42 ~~(a)~~ (1) Within a two-mile radius of Dana Point.

1     ~~(b)~~ (2) Within a two-mile radius of San Mateo Point.

2     ~~(e)~~ (3) Within two miles offshore from the line of the high-water mark along that  
3 portion of the coast of Orange County lying between the northernmost bank of the  
4 mouth of the Santa Ana River and a point on that coast six miles south therefrom.

5     **Comment.** Section 8754 is amended to eliminate a superfluous reference to purse nets. See  
6 Section 8750 (round haul nets include purse nets).

7     The section is also amended to add and revise subdivision designations.

8     **Fish & Game Code § 8755 (amended). Districts 20, 20A, and 21**

9     SEC. \_\_\_\_\_. Section 8755 of the Fish and Game Code is amended to read:

10     8755. (a) In Districts 20A and 21, ~~purse and~~ round haul nets may be used.

11     ~~(a)~~ (b) In District 20, ~~Purse and~~ round haul nets may be used, except (1) from  
12 sunrise Saturday to sunset Sunday, in ~~that portion of District 20~~ the area from a line  
13 extending three nautical miles east magnetically from the extreme easterly end of  
14 Santa Catalina Island southwesterly and northerly to a line extending three nautical  
15 miles southwest magnetically from the most southerly promontory of China Point  
16 and (2) at any time during the period commencing on June 1st 1 and ending on  
17 September 10 in each year, ~~that portion of District 20~~ the area from a line extending  
18 three nautical miles east magnetically from the extreme easterly end of Santa  
19 Catalina Island southerly to a line extending three nautical miles southeasterly  
20 magnetically from the United States government light on the southeasterly end of  
21 Santa Catalina Island.

22     ~~(b)~~ (c) Subdivision (a) shall not be construed as restricting the right to use the  
23 waters therein specified for anchorage of vessels at any time.

24     **Comment.** Section 8755 is amended to eliminate superfluous references to purse nets. See  
25 Section 8750 (round haul nets include purse nets).

26     The section is also amended to add a subdivision designation before the first paragraph of the  
27 section, insert an inadvertently omitted introductory clause in the subdivision following the first  
28 paragraph, and make other technical corrections.

29     **Fish & Game Code § 8756 (amended). Salmon, steelhead, striped bass, or shad**

30     SEC. \_\_\_\_\_. Section 8756 of the Fish and Game Code is amended to read:

31     8756. Salmon, steelhead, striped bass, or shad may not be taken with ~~purse or~~  
32 round haul nets.

33     **Comment.** Section 8756 is amended to eliminate a superfluous reference to purse nets. See  
34 Section 8750 (round haul nets include purse nets).

35     **Fish & Game Code § 8780 (amended). Use of bait nets**

36     SEC. \_\_\_\_\_. Section 8780 of the Fish and Game Code is amended to read:

37     8780. (a) As used in this chapter, the term “bait net” means a lampara or round  
38 haul type net, the mesh of which is constructed of twine not exceeding Standard No.  
39 9 medium cotton seine twine or synthetic twine of equivalent size or strength.  
40 Notwithstanding Section 8757, except for drum seines and other round haul nets  
41 authorized under a permit issued by the department pursuant to this section, the nets

1 may not have rings along the lead line or any method of pursing the bottom of the  
2 net.

3 (b) Bait nets may be used to take fish for bait in Districts 6, 7, 8, 9, 10, 11, 12, 13,  
4 16, 17, 18, 19, ~~19A~~, 19B, 20A, 21, 118, and 118.5.

5 (c) In District 19A, bait nets may be used only to take anchovies, queenfish, white  
6 croakers, sardines, mackerel, squid, and smelt for live bait purposes only. Bait nets  
7 may not be used within 750 feet of Seal Beach Pier or Belmont Pier.

8 (d) No other species of fish may be taken on any boat carrying a bait net in District  
9 19A, except that loads or lots of fish may contain not more than 18 percent, by  
10 weight of the fish, of other bait fish species taken incidentally to other fishing  
11 operations and that are mixed with other fish in the load or lot.

12 **Comment.** Subdivision (b) of Section 8780 is amended to eliminate an erroneous reference to  
13 Fish and Game District 19A, as use of bait nets in that district is specifically governed by  
14 subdivisions (c) and (d).

15 **Fish & Game Code § 8841 (amended). Bottom trawl fisheries**

16 SEC. \_\_\_\_\_. Section 8841 of the Fish and Game Code is amended to read:

17 8841. (a) The commission is hereby granted authority over all state-managed  
18 bottom trawl fisheries not managed under a federal fishery management plan  
19 pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16  
20 U.S.C. Sec. 1801 et seq.) or a state fishery management plan pursuant to Part 1.7  
21 (commencing with Section 7050), to ensure that resources are sustainably managed,  
22 to protect the health of ecosystems, and to provide for an orderly transition to  
23 sustainable gear types in situations where bottom trawling may not be compatible  
24 with these goals.

25 (b) The commission is hereby granted authority to manage all of the following  
26 fisheries in a manner that is consistent with this section and Part 1.7 (commencing  
27 with Section 7050):

- 28 (1) California halibut.
- 29 (2) Sea cucumber.
- 30 (3) Ridge-back, spot, and golden prawn.
- 31 (4) Pink shrimp.

32 (c) The commission is also granted authority over other types of gear targeting the  
33 same species as the bottom trawl fisheries referenced in subdivision (a) to manage  
34 in a manner that is consistent with the requirements of Part 1.7 (commencing with  
35 Section 7050).

36 (d) Every commercial bottom trawl vessel issued a state permit is subject to the  
37 requirements and policies of the federal groundfish observer program (50 C.F.R.  
38 ~~660.360~~ 660.16).

39 (e) The commission may only authorize additional fishing areas for bottom trawls  
40 after it determines, based on the best available scientific information, that bottom  
41 trawling in those areas is sustainable, does not harm bottom habitat, and does not  
42 unreasonably conflict with other users.

1 (f) It is unlawful to use roller gear more than eight inches in diameter in  
2 connection with a trawl net.

3 (g) Commencing April 1, 2006, it is unlawful to fish commercially for prawns or  
4 pink shrimp, unless an approved bycatch reduction device is used with each net. On  
5 or before April 1, 2006, the commission shall approve one or more bycatch  
6 reduction devices for use in the bottom trawl fishery. For purposes of this  
7 subdivision, a rigid grate fish excluder device is the approved type of bycatch  
8 reduction device unless the commission, the Pacific Marine Fishery Management  
9 Council, or the National Marine Fisheries Service determines that a different type  
10 of fish excluder device has an equal or greater effectiveness at reducing bycatch. If  
11 the commission does not approve a bycatch reduction device prior to April 1, 2006,  
12 then a device that is approved by the Pacific Marine Fishery Management Council  
13 or the National Marine Fisheries Service shall be deemed approved by the  
14 commission.

15 (h) Except as provided in Section 8495 or 8842, it is unlawful to engage in bottom  
16 trawling in ocean waters of the state.

17 (i) This section does not apply to the use of trawl nets pursuant to a scientific  
18 research permit.

19 (j) The commission shall facilitate the conversion of bottom trawlers to gear that  
20 is more sustainable if the commission determines that conversion will not contribute  
21 to overcapacity or overfishing. The commission may participate in, and encourage  
22 programs that support, conversion to low-impact gear or capacity reduction by trawl  
23 fleets. The department may not issue new permits to bottom trawlers to replace those  
24 retired through a conversion program.

25 ~~(k) As soon as practicable, but not later than May 1, 2005, the commission and~~  
26 ~~the department shall submit to the Pacific Fishery Management Council and the~~  
27 ~~National Marine Fisheries Service a request for federal management measures for~~  
28 ~~the pink shrimp fishery that the commission and the department determine are~~  
29 ~~needed to reduce bycatch or protect habitat, to account for uncertainty, or to~~  
30 ~~otherwise ensure consistency with federal groundfish management.~~

31 ~~(k)~~ (k) No vessel may utilize bottom trawling gear without a state or federal permit.

32 **Comment.** Subdivision (d) of Section 8841 is amended to correct an erroneous cross-reference.

33 Subdivision (f) is amended to clarify the context in which the provision is intended to apply.

34 Subdivision (k) is deleted as obsolete.

35 **Fish & Game Code § 9001.7 (amended). Taking of finfish**

36 SEC. \_\_\_\_ . Section 9001.7 of the Fish and Game Code is amended to read:

37 9001.7. Finfish, other than sablefish and hagfish, may be taken under a general  
38 trap permit if all of the following criteria are also met:

39 (a) Every person aboard the vessel possesses a valid general trap permit that has  
40 not been suspended or revoked.

1 (b) If nearshore species are present, at least one person aboard the vessel possesses  
2 a valid nearshore fishery permit and a nearshore fishery trap endorsement that has  
3 not been suspended or revoked.

4 (c) If deeper nearshore species are present, at least one person aboard the vessel  
5 possesses a valid deeper nearshore species fishery permit that has not been  
6 suspended or revoked.

7 (d) During the period from one hour after sunset to one hour before sunrise, finfish  
8 traps that are left in the water shall be unbaited with the door secured open. If, for  
9 reasons beyond the control of the permittee, all trap doors cannot be secured open  
10 prior to one hour after sunset, the permittee shall immediately notify the department.

11 (e) Popups shall not be used on buoy lines attached to finfish traps, and shall not  
12 be possessed aboard a vessel when taking finfish under a general trap permit.

13 (f) Trap destruction devices used on finfish traps shall conform to the current  
14 regulatory requirements for those devices pursuant to Section 9003 and as adopted  
15 by the commission.

16 (g) No finfish traps shall be set within 750 feet of any pier, breakwall, or jetty in  
17 District 6, 7, 17, 18, 19, 19A, 19B, 20, 20A, ~~20B~~, or 21.

18 (h) No more than 50 finfish traps may be used in state waters along the mainland  
19 shore.

20 (i) The mesh of any finfish trap used pursuant to this section shall measure not  
21 less than two inches by two inches.

22 (j) The following fish shall not be used as bait in finfish traps:

23 (1) Lobster.

24 (2) Crabs of the genus cancer, except rock crab, yellow crab, and red crab, as  
25 identified in Section 8282, which may be used as bait under the authority of a rock  
26 crab trap permit issued pursuant to Section 8282.

27 (3) Any other finfish or invertebrate to which a minimum size limit applies that is  
28 used or possessed in a condition so that its size can not be determined.

29 (k) Lobster may be possessed aboard or landed from any vessel on which finfish  
30 are also present, if every person aboard the vessel has a valid lobster permit that has  
31 not been suspended or revoked, and complies with Article 5 (commencing with  
32 Section 8250) of Chapter 2 ~~of the Fish and Game Code~~, this article, and the  
33 regulations adopted pursuant thereto.

34 **Comment.** Subdivision (g) of Section 9001.7 is amended to delete a reference to a Fish and  
35 Game District that does not exist.

36 Subdivision (k) is amended to correct the form of a cross-reference.

37 **Fish & Game Code § 9011 (amended). Dungeness and rock crab traps**

38 SEC. \_\_\_\_ . Section 9011 of the Fish and Game Code is amended to read:

39 9011. (a)(1) Subject to Article 6 (commencing with Section 8275) of Chapter 2,  
40 Dungeness crab, as defined in Section 8275, may be taken with Dungeness crab  
41 traps.

1 (2) A Dungeness crab trap may have any number of openings of any size.  
2 However, every Dungeness crab trap shall have at least two rigid circular openings  
3 of not less than  $4\frac{1}{4}$  inches, inside diameter, on the top or side of the trap. If both of  
4 the openings are located on the side of the trap, at least one of the openings shall be  
5 located so that at least one-half of the opening is in the upper half of the trap.

6 (3) Subject to Article 6 (commencing with Section 8275) of Chapter 2, rock crab  
7 may be taken incidentally with a Dungeness crab trap used pursuant to this  
8 subdivision to take Dungeness crab, provided that the incidental taking occurs only  
9 during the season when it is lawful to take both species. A rock crab, taken  
10 incidentally with a Dungeness crab trap, that does not comply with Article 6  
11 (commencing with Section 8275) of Chapter 2, shall be immediately returned to the  
12 waters from which it was taken.

13 (b)(1) Subject to Article 6 (commencing with Section 8275) of Chapter 2, rock  
14 crab, as defined in Section 8275, may be taken with rock crab traps.

15 (2) A rock crab trap may have any number of openings of any size. However, a  
16 rock crab trap constructed of wire mesh with an inside mesh measurement of not  
17 less than  $1\frac{7}{8}$  inches by  $3\frac{7}{8}$  inches, with the  $3\frac{7}{8}$  inch measurement parallel to the  
18 floor, shall have at least one rigid circular opening of not less than  $3\frac{1}{4}$  inches, inside  
19 diameter, located on any outside wall of the rearmost chamber of the crab trap and  
20 shall be located so that at least one-half of the opening is in the upper half of the  
21 trap. Rock crab traps constructed of other material shall have at least two rigid  
22 circular openings of not less than  $3\frac{1}{4}$  inches, inside diameter, on the top or side of  
23 the rearmost chamber of the trap. If both of the openings are located on the side of  
24 the trap, at least one of the openings shall be located so that at least one-half of the  
25 opening is in the upper half of the trap. No rigid circular opening, as required, shall  
26 extend more than  $\frac{1}{2}$  inch beyond the plane of the wall side or top of the trap in  
27 which it is located, and it shall be clearly accessible to any crab which may be in the  
28 trap.

29 (3) Subject to Article 6 (commencing with Section 8275) of Chapter 2, Dungeness  
30 crab may be taken incidentally with a rock crab trap used pursuant to this  
31 subdivision to take rock crab, provided that the incidental taking occurs only during  
32 the season when it is lawful to take both species. A Dungeness crab, taken  
33 incidentally with a rock crab trap, that does not comply with Article 6 (commencing  
34 with Section 8275) of Chapter 2, shall be immediately returned to the waters from  
35 which it was taken.

36 (4) A person shall not possess any lobster aboard a vessel while the vessel is being  
37 used pursuant to this subdivision to take rock crab.

38 ~~(c) On or before January 1, 2013, the department shall report to the appropriate~~  
39 ~~policy and fiscal committees of the Legislature the impacts, if any, of the changes~~  
40 ~~made to this section by Chapter 478 of the Statutes of 2009. The report shall include~~  
41 ~~information about citations issued pursuant to this section relating to both rock crab~~  
42 ~~and Dungeness crab for the years 2010 to 2012, inclusive.~~

43 **Comment.** Section 9011 is amended to delete subdivision (c) of the section as obsolete.

1 **Fish & Game Code § 9027.5 (amended). Additional restrictions on use of fishing line in**  
2 **specified areas**

3 SEC. \_\_\_\_\_. Section 9027.5 of the Fish and Game Code is amended to read:

4 9027.5. (a) (1) Notwithstanding Section 9026, 9028, or 9029 in the area described  
5 in subdivision (b), it is unlawful to use more than 150 hooks on a vessel to take fish  
6 for commercial purposes when using fishing lines authorized pursuant to this article.

7 (2) In the area described in subdivision (b), not more than 15 hooks shall be  
8 attached to any one fishing line, and no fishing line shall be attached to another  
9 fishing line, while those lines are being used for commercial fishing pursuant to this  
10 article.

11 (3) Each fishing line used pursuant to this article that is not attached to a vessel  
12 fishing in the area described in subdivision (b) shall be buoyed, and the commercial  
13 fishing license identification number issued pursuant to Section 7852 to the  
14 permittee who is using the fishing line shall be marked on, and visible on the upper  
15 one-half of each buoy, in numbers not less than two inches in height.

16 (b) This section applies only to waters within one mile of the mainland shore in  
17 Fish and Game Districts 17, 18, and 19.

18 ~~(c) Subdivision (a) does not apply to persons who are fishing south of a line~~  
19 ~~extending due west from Point Conception and who are fishing for halibut, white~~  
20 ~~sea bass, sharks, skates, or rays. The exemption in this subdivision does not apply~~  
21 ~~if all of the fish possessed by persons aboard the vessel consist of at least 80 percent~~  
22 ~~by number of halibut, white sea bass, sharks, skates, and rays.~~

23 Subdivision (a) does not apply to persons who are fishing for halibut, white sea  
24 bass, sharks, skates, or rays, south of a line extending due west from Point  
25 Conception, if at least 80 percent of the fish possessed by persons aboard the vessel  
26 are, by number, halibut, white sea bass, sharks, skates, or rays.

27 **Comment.** Section 9027.5 is amended for clarity.

28 **Fish & Game Code § 9050 (amended). Miscellaneous tools**

29 SEC. \_\_\_\_\_. Section 9050 of the Fish and Game Code is amended to read:

30 9050. A spade, shovel, hoe, rake, or other appliance operated by hand may be used  
31 to take mollusks, sand crabs, and shrimps in Districts 1, 1<sup>1/2</sup>, 2, 2<sup>1/2</sup>, 3, 3<sup>1/2</sup>, 4, 4<sup>1/8</sup>,  
32 4<sup>3/4</sup>, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 19, 19A, 20, 20A, and 21, except as  
33 specified in ~~Sections~~ Section 7332 and 8303, and except that freshwater clams shall  
34 not be taken by means of ~~such~~ any of those appliances on any levee or on the berm  
35 of any levee.

36 **Comment.** Section 9050 is amended to delete obsolete material, and make a technical correction.

37 **Fish & Game Code § 10000 (amended). Required license**

38 SEC. \_\_\_\_\_. Section 10000 of the Fish and Game Code is amended to read:

39 10000. (a) Every person engaged in the business of canning, curing, preserving,  
40 packing, or otherwise processing, or dealing at wholesale in, the eggs of sturgeon  
41 for human consumption shall obtain a sturgeon egg processing license from the

1 department for that purpose. The license required by this division is in addition to  
2 any other license, permit, or other authorization required by this code or by any  
3 other provision of law.

4 (b) Possession of a sturgeon egg processing license issued pursuant to this division  
5 authorizes the licensee to can, cure, preserve, pack, or otherwise process, or deal at  
6 wholesale in, the eggs of sturgeon if, and only if, the eggs are lawfully taken or  
7 lawfully possessed pursuant to Section 7230 or ~~8374~~ 7370.

8 **Comment.** Subdivision (b) of Section 10000 is amended to reflect the effect of prior legislation  
9 relocating regulation of sturgeon eggs to Section 7370.

10 **Fish & Game Code § 10002 (amended). Required documentation**

11 SEC. \_\_\_\_ . Section 10002 of the Fish and Game Code is amended to read:

12 10002. Every person licensed pursuant to this division shall make a true and  
13 legible record of each transaction involving the eggs of sturgeon. This  
14 documentation shall show all of the following:

15 (a) The weight of the eggs received by the licensee.

16 (b) The date the eggs were received by the licensee.

17 (c) The name and address of the person from whom the licensee received the eggs  
18 were received, and, if different, the.

19 (d) If any of the sturgeon that produced the eggs were artificially propagated by a  
20 person other than the person named pursuant to subdivision (c), the name and  
21 address of the person who artificially propagated the sturgeon from which the eggs  
22 were obtained or the.

23 (e) If the person named pursuant to subdivision (c) received any of the sturgeon  
24 that produced the eggs from another person, the name and address of the that person  
25 from whom the sturgeon were received from which the eggs were obtained.

26 (e) ~~The date of receipt.~~

27 (d) (f) If any of the sturgeon that produced the eggs were imported into this state,  
28 the place where the those sturgeon were taken.

29 (e) (g) Whether the eggs are to be processed by the recipient licensee or sold by  
30 him or her to another person for processing, and. In addition, if the eggs are to be  
31 sold to another person for processing by another, the name and address of that  
32 person.

33 (f) (h) ~~Such~~ Any other information as that the department may require and specify  
34 as required on the any form provided.

35 **Comment.** Section 10002 is amended for clarity.

36 **Fish & Game Code § 10653 (amended). Transport of animals**

37 SEC. \_\_\_\_ . Section 10653 of the Fish and Game Code is amended to read:

38 10653. In the San Francisco Fish and Game Refuge, birds, mammals, fish,  
39 amphibians, and reptiles legally possessed may be carried openly by persons  
40 traveling through the refuge on public roads, between one-half hour before sunrise  
41 and one-half hour after sunset.

1 **Comment.** Section 10653 is amended to correct an erroneously named refuge.

2 **Fish & Game Code § 10654 (amended). Use of land for water supply purposes**

3 SEC. \_\_\_\_\_. Section 10654 of the Fish and Game Code is amended to read:

4 10654. Nothing in this division prevents the full use of the land included in the  
5 San Francisco Fish and Game Refuge for water supply purposes, nor prohibits any  
6 authorized employee of the San Francisco water department from carrying out such  
7 reasonable measures as may be necessary for the protection of the water supply or  
8 the prevention of pollution of the streams or reservoirs.

9 **Comment.** Section 10654 is amended to correct an erroneously named refuge.

10 **Fish & Game Code § 10662 (amended). Firearm prohibition**

11 SEC. \_\_\_\_\_. Section 10662 of the Fish and Game Code is amended to read:

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

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

18 **Fish & Game Code § 10741 (amended). Exception to vehicle prohibition**

19 SEC. \_\_\_\_\_. Section 10741 of the Fish and Game Code is amended to read:

20 10741. ~~Nothing~~ (a) Except as provided in subdivision (b), nothing in this article  
21 ~~shall be construed as prohibiting~~ prohibits access by a person over any a road or  
22 trail, ~~in any such area to any land to which any person is entitled to possession by~~  
23 ~~such person or any in an area described in Section 10740, to reach land that person~~  
24 lawfully possesses. A person allowed access over a road or trail pursuant to this  
25 subdivision may authorize another person authorized by him to use such road or  
26 trail as a means of access to the land; provided, that to do the same.

27 (b) Notwithstanding subdivision (a), none of the motorized vehicles or aircraft  
28 mentioned in Section 10740 shall may be used by any person as a means of gaining  
29 access to the wilderness areas for the purpose of hunting or fishing. Nor shall anyone  
30 having a lawful right to enter a wilderness area with a motorized vehicle or aircraft  
31 fish or hunt while within the area after having entered the area with a motorized  
32 vehicle or aircraft.

33 **Comment.** Section 10741 is amended for clarity.

34 The section is also amended to add subdivision designations.

35 **Fish & Game Code § 10770 (amended). Fish and game refuges**

36 SEC. \_\_\_\_\_. Section 10770 of the Fish and Game Code is amended to read:

37 10770. The ~~districts area~~ described in ~~the following sections~~ this article ~~are~~ is a  
38 fish and game ~~refuges~~ refuge.

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

3 **Fish & Game Code § 10820 (amended). Described areas**

4 SEC. \_\_\_\_\_. Section 10820 of the Fish and Game Code is amended to read:

5 10820. (a) The ~~districts~~ areas described in ~~the following sections~~ this article are  
6 game refuges.

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

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

11 **Fish & Game Code § 10821 (amended). Game Refuge 1C**

12 SEC. \_\_\_\_\_. Section 10821 of the Fish and Game Code is amended to read:

13 10821. The following constitutes ~~Fish and Game District~~ Game Refuge 1C: All  
14 that area within the County of Modoc within the following boundaries:

15 Beginning at the boundary of the Modoc National Forest on the east side of Sec.  
16 28, T. 42 N., R. 14 E., where Parker Creek crosses the national forest boundary and  
17 following thence Parker Creek and the South Fork of Parker Creek to the summit of  
18 the Warner Mountains; thence southerly along the summit of the Warner Mountains  
19 to the headwaters of Mill Creek; thence following course of Mill Creek to Mill  
20 Creek Ranger Station and Mill Creek stock corrals in approximately Sec. 15, T. 40  
21 N., R. 15 E. (unsurveyed); thence along road from Mill Creek Ranger Station and  
22 stock corrals running north of Cantrell’s sawmill to Bowman Ranch, thence along  
23 same road to the Modoc National Forest boundary on the center line of Sec. 33, T.  
24 41 N., R. 14 E.; thence north along said national forest boundary to Parker Creek,  
25 the point of beginning.

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

28 **Fish & Game Code § 10822 (amended). Game Refuge 1F**

29 SEC. \_\_\_\_\_. Section 10822 of the Fish and Game Code is amended to read:

30 10822. The following constitutes ~~Fish and Game District~~ Game Refuge 1F: All  
31 that area within the County of Lassen within the following boundaries:

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

1 side of said road to Jelly Camp in Sec. 25, T. 34 N., R. 6 E.; thence southeasterly  
2 following the easterly side of the Susanville-Pittville Road to junction of the Poison  
3 Lake-Harvey Valley Road; thence easterly following the northerly side of said  
4 Poison Lake-Harvey Valley Road to the point of beginning.

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

7 **Fish & Game Code § 10823 (amended). Game Refuge 1G**

8 SEC. \_\_\_\_\_. Section 10823 of the Fish and Game Code is amended to read:

9 10823. The following constitutes ~~Fish and Game District~~ Game Refuge 1G: All  
10 that area within the County of Tehama within the following boundaries:

11 Beginning at a point where Deer Creek crosses the west township line of T. 25  
12 N., R. 2 E.; thence north along said township line and along the west township line  
13 of T. 26 N., R. 2 E. to its intersection with Boatgunwale Creek; thence down  
14 Boatgunwale Creek to Mill Creek; thence up Mill Creek to the Ponderosa Truck  
15 Trail; thence following the Ponderosa Truck Trail to its intersection with South  
16 Antelope Creek; thence up South Antelope Creek to mouth of the North Fork of  
17 South Antelope Creek; thence up the North Fork to its source; thence following  
18 Manzanita Cut Trail to the South Fork of Rock Gulch Creek; thence down Rock  
19 Gulch Creek to its intersection with the Old Butte Meadows-Round Valley Trail;  
20 thence following the Old Butte Meadows-Round Valley Trail to its intersection with  
21 the Deer Creek Highway, thence down the Deer Creek Highway to its westerly  
22 crossing of Deer Creek, thence down Deer Creek to point of beginning.

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

25 **Fish & Game Code § 10824 (amended). Game Refuge 1H**

26 SEC. \_\_\_\_\_. Section 10824 of the Fish and Game Code is amended to read:

27 10824. The following constitutes ~~Fish and Game District~~ Game Refuge 1H: All  
28 that area within the County of Plumas within the following boundaries:

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

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

38 **Fish & Game Code § 10825 (amended). Game Refuge 1I**

39 SEC. \_\_\_\_\_. Section 10825 of the Fish and Game Code is amended to read:

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

3 Beginning at a point in Sec. 17, T. 14 N., R. 14 E., M.D.M., where the French  
4 House-Big Meadows Road intersects the South Fork of Long Canyon Creek; thence  
5 following southwesterly along said road to its intersection with the French  
6 Meadows-Georgetown Road near the section line between Secs. 22 and 23, T. 14  
7 N., R. 13 E., thence southwesterly along the French Meadows-Georgetown Road  
8 where it intersects an unnamed tributary to the North Fork of Long Canyon Creek  
9 near the section line between Secs. 22 and 27, T. 14 N., R. 13 E.; thence  
10 northwesterly along said tributary to French House Site (near the center of Sec. 22,  
11 T. 14 N., R. 13 E.); thence northwesterly along the French House-Red Star Mine  
12 Jeep Road in Secs. 22 and 15, T. 14 N., R. 13 E., to its intersection with the Middle  
13 Fork of the American River, in Sec. 15, T. 14 N., R. 13 E.; thence northeasterly  
14 along the Middle Fork of the American River, to its intersection with the southern  
15 boundary of Sec. 35, T. 15 N., R. 13 E., thence due north on a line through the center  
16 of Sec. 35 to an intersection with the summit of Red Star Ridge in Sec. 26, T. 15 N.,  
17 R. 13 E. (this being the divide between Duncan Creek and the Middle Fork of the  
18 American River); thence northeasterly following the summit of Red Star Ridge to a  
19 point in Sec. 4, T. 15 N., R. 14 E. where said ridge intersects the main Foresthill  
20 Divide between the North Fork of the American River and the Middle Fork of the  
21 American River; thence easterly along the summit of said divide to Needle Peak;  
22 thence southerly following the summit of the divide to Mt. Mildred; thence  
23 southwesterly following the summit of the divide between Gray Horse Creek and  
24 the Middle Fork of the American River to its intersection with the Big Meadows-  
25 Gray Horse Valley Trail (near the middle of Sec. 5, T. 14 N., R. 14 E.); thence  
26 following said trail to the South Fork of Long Canyon Creek (near the middle of  
27 Sec. 9, T. 14 N., R. 14 E.); thence southwesterly down the South Fork Long Canyon  
28 Creek to the point of beginning.

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

31 **Fish & Game Code § 10826 (amended). Game Refuge 1J**

32 SEC. \_\_\_\_\_. Section 10826 of the Fish and Game Code is amended to read:

33 10826. The following constitutes ~~Fish and Game District~~ Game Refuge 1J: All  
34 that area within the County of Amador within the following boundaries:

35 Beginning at a point between Secs. 13 and 18, T. 8 N., R. 14 and 15 E., where the  
36 Carson Pass Highway (State Sign Route 88) enters Sec. 18, T. 8 N., R. 15 E.; thence  
37 northeasterly along the south side of State Highway 88 right of way to the Bear  
38 River Road in Section 12, T. 8 N., R. 15 E.; thence southeasterly along the westerly  
39 side of said road to the junction of the Ham's Spring and Cole Creek Roads in  
40 Section 20, T. 8 N., R. 16 E.; thence southeasterly along the westerly side of the  
41 Cole Creek Road to its termination at the P. G. & E. penstock in Section 33, T. 8  
42 N., R. 16 E.; thence southerly along the westerly side of said penstock to its

1 intersection with the Mokelumne River; thence down the north bank of the  
2 Mokelumne River in a southwesterly direction to the intersection of range line  
3 between T. 7 N., R. 14 and 15 E.; thence north along range line between T. 8 N., R.  
4 14 and 15 E., to the intersection of State Sign Route 88 to the place of beginning.

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

7 **Fish & Game Code § 10827 (amended). Game Refuge 1N**

8 SEC. \_\_\_\_\_. Section 10827 of the Fish and Game Code is amended to read:

9 10827. The following constitutes ~~Fish and Game District~~ Game Refuge 1N: All  
10 that area within the Counties of Siskiyou and Modoc within the following  
11 boundaries:

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

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

20 **Fish & Game Code § 10828 (amended). Game Refuge 1P**

21 SEC. \_\_\_\_\_. Section 10828 of the Fish and Game Code is amended to read:

22 10828. The following constitutes ~~Fish and Game District~~ Game Refuge 1P: All  
23 that area within the County of Plumas, within the following boundaries:

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

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

33 **Fish & Game Code § 10829 (amended). Game Refuge 1R**

34 SEC. \_\_\_\_\_. Section 10829 of the Fish and Game Code is amended to read:

35 10829. The following constitutes ~~Fish and Game District~~ Game Refuge 1R: All  
36 that area within the County of Tuolumne within the following boundaries:

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

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

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

13 **Fish & Game Code § 10830 (amended). Game Refuge 1S**

14 SEC. \_\_\_\_\_. Section 10830 of the Fish and Game Code is amended to read:

15 10830. The following constitutes ~~Fish and Game District~~ Game Refuge 1S: All  
16 that area lying within the County of Lassen within the following boundaries:

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

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

26 **Fish & Game Code § 10831 (amended). Game Refuge 1V**

27 SEC. \_\_\_\_\_. Section 10831 of the Fish and Game Code is amended to read:

28 10831. The following constitutes ~~Fish and Game District~~ Game Refuge 1V: ~~all~~  
29 All that area within the County of Plumas within the following boundaries:

30 Beginning at the intersection of U. S. Alternate 40 Highway and U. S. Forest  
31 Service Road 24N12; thence following northerly the easterly side of U. S. Forest  
32 Service Road 24N12 to its intersection with U. S. Forest Service Road 24N10;  
33 thence easterly following the southerly side of U. S. Forest Service Road 24N10 to  
34 its intersection with U. S. Forest Service Road 24N07 (Relocated); thence easterly  
35 following the southerly side of U. S. Forest Service Road 24N07 (Relocated) to its  
36 intersection with U. S. Forest Service Road 25N08; thence southerly on the westerly  
37 side of U. S. Forest Service Road 25N08 to its intersection with U. S. Alternate 40  
38 Highway; thence westerly along the northerly side of U. S. Alternate 40 Highway  
39 to the point of beginning.

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

1 **Fish & Game Code § 10832 (amended). Game Refuge 2A**

2 SEC. \_\_\_\_\_. Section 10832 of the Fish and Game Code is amended to read:

3 10832. The following constitutes ~~Fish and Game District~~ Game Refuge 2A: All  
4 that area within the Counties of Mendocino, Lake, and Glenn within the following  
5 boundaries:

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

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

22 **Fish & Game Code § 10833 (amended). Game Refuge 2B**

23 SEC. \_\_\_\_\_. Section 10833 of the Fish and Game Code is amended to read:

24 10833. The following constitutes ~~Fish and Game District~~ Game Refuge 2B, the  
25 Mount Tamalpais Game Refuge: All that area within the County of Marin within  
26 the following boundaries:

27 Beginning at the intersection of the easterly shore of inner Bolinas Bay with the  
28 northwesterly boundary line extended, of the Stinson ranch conveyed to A. H.  
29 Stinson et al., by decree of distribution dated the 28th of July, 1911; thence  
30 northwesterly along the said northwesterly boundary line to the southwesterly  
31 boundary line of the lands of the Marin municipal water district on the crest of  
32 Bolinas Ridge; thence northeasterly, northwesterly, and easterly along the westerly  
33 and northerly boundary line of the watershed lands of the said water district to its  
34 intersection with the southwesterly corner of the Rancho Canada de Herrera; thence  
35 north 14 degrees west along the westerly line of said Rancho Canada de Herrera to  
36 the southwesterly corner of the Bothin real estate property; thence in an easterly  
37 direction along the southerly line of the said Bothin property to its intersection with  
38 the westerly boundary line of the town of Fairfax; thence in a general southerly  
39 direction along the westerly boundary of the said town of Fairfax to its intersection  
40 with the southerly boundary line of the said Rancho Canada de Herrera; thence  
41 northerly 83 degrees 15 minutes east along said southerly line 3,200 feet, more or  
42 less, to its intersection with the southeasterly line of the county road leading from

1 Fairfax to Bolinas; thence northerly along said road and along the Fairfax-Bolinas  
2 County Road to a point in the southerly line of the right of way of the Northwestern  
3 Pacific Railroad Company near Fairfax station; thence along the said last-mentioned  
4 line in a southerly direction following the westerly line of said railroad right of way  
5 to its intersection with the southerly line of the road or highway immediately south  
6 of Alto station; thence following the southerly side of said Alto-Belvedere Road and  
7 state highway easterly to its intersection with the northwesterly line of the Town of  
8 Belvedere; thence following the northwesterly line of the Town of Belvedere  
9 southwesterly to its extreme westerly corner; thence in a direct line to the extreme  
10 northerly corner of the Town of Sausalito; thence southwesterly along the  
11 northwesterly line of the Town of Sausalito to its intersection with the Northwestern  
12 Pacific Railroad; thence following the westerly line of the right of way of the  
13 Northwestern Pacific railroad to Manzanita Station; thence southwesterly in a direct  
14 line to the Mill Valley State Highway; thence westerly along the said highway to its  
15 intersection with Tennessee Avenue; thence following the southerly and easterly  
16 line of Tennessee Avenue, westerly and southerly, to the corner common to ranches  
17 E, F, and A, as said ranches are delineated on the Tamalpais Land and Water  
18 Company's map No. 3; thence southwesterly along the southeasterly boundary lines  
19 of ranches E, L, and K, as shown on the said last-mentioned map, to the shore of the  
20 Pacific Ocean; thence northwesterly along the shore of the Pacific Ocean and across  
21 the easterly end of the Bolinas sandspit, and along the easterly shore of inner Bolinas  
22 Bay, to the point of beginning, excepting from the area of said Mount Tamalpais  
23 Game Refuge all lands lying within incorporated areas.

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

26 **Fish & Game Code § 10835 (amended). Game Refuge 3F**

27 SEC. \_\_\_\_. Section 10835 of the Fish and Game Code is amended to read:

28 10835. The following constitutes ~~Fish and Game District~~ Game Refuge 3F: All  
29 that area within the County of Contra Costa described as follows:

30 All of Secs. 29, 30, 31 and 32, T. 1 N., R. 1 E.; all of Secs. 5, 6, 7 and 8, T. 1 S.,  
31 R. 1 E.; all of Secs. 25, 26, 35 and 36 of T. 1 N., R. 1 W.; all of Secs. 1, 2, 11 and  
32 12 of T. 1 S., R. 1 W.

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

35 **Fish & Game Code § 10836 (amended). Game Refuge 3G**

36 SEC. \_\_\_\_. Section 10836 of the Fish and Game Code is amended to read:

37 10836. The following constitutes ~~Fish and Game District~~ Game Refuge 3G:

38 All those lands of the Leland Stanford Junior University within the Counties of  
39 San Mateo and Santa Clara, and consisting of lots numbers 1 to 33, inclusive; that  
40 portion of lots 35 and 42 lying outside of the town limits of the town of Mayfield;  
41 lots 36, 43, 46 to 75, inclusive; 80 to 86, inclusive; 89 to 98, inclusive, as shown on

1 the map entitled “map of the lands of the Leland Stanford Junior University at or  
2 near the site of the university in the Counties of Santa Clara and San Mateo, by A.  
3 T. and F. A. Herrmann of Herrmann Bros.,” dated November, 1908, recorded in the  
4 Office of the County Recorder of the County of Santa Clara.

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

7 **Fish & Game Code § 10837 (amended). Game Refuge 4D**

8 SEC. \_\_\_\_\_. Section 10837 of the Fish and Game Code is amended to read:

9 10837. The following constitutes ~~Fish and Game District~~ Game Refuge 4D: All  
10 that area within the County of Riverside described as follows:

11 Beginning at the intersection of State Highway 74 and Highway 111 in Section  
12 20, T. 5 S., R. 6 E., S.B.B. & M.;

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

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

19 Thence continuing along the east bank of said Palm Canyon wash through  
20 Sections 1, 12, 13, T. 6 S., R. 4 E., and continuing through Sections 18, 19, 30 and  
21 31, T. 6 S., R. 5 E., to a point of intersection with Omstott Creek;

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

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

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

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

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

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

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

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

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

41 Thence north along the east line of said Section 7 and Section 6 of said T. 6 S., R.  
42 7 E., to the northeast corner of said Section 6;

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

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

5 Thence westerly along Highway 111 to the point of beginning.

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

8 **Fish & Game Code § 10838 (amended). Game Refuge 4G**

9 SEC. \_\_\_\_\_. Section 10838 of the Fish and Game Code is amended to read:

10 10838. The following constitutes ~~Fish and Game District~~ Game Refuge 4G:

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

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

15 Thence south on the range line between R. 2 and 3 E., about  $7\frac{3}{4}$  miles to the crest  
16 of the divide forming the northwesterly boundary of Strawberry Creek watershed;

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

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

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

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

27 Thence northerly along the right bank of Hurkey Creek through Secs. 9 and 4 in  
28 T. 6 S., R. 3 E., and through Secs. 33, 28, 21, the southeast quarter of Sec. 16, the  
29 west one-half of Sec. 15, the east half of Sec. 10 and the northwest quarter of Sec.  
30 11 to the crest of the divide between the waters of Hurkey Creek and Murray  
31 Canyon;

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

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

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

39 **Fish & Game Code § 10842 (amended). Game Refuge 1K**

40 SEC. \_\_\_\_\_. Section 10842 of the Fish and Game Code is amended to read:

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

4 Beginning at the North  $\frac{1}{4}$  corner of Section 24, T. 22 N., R. 11 E., M. D. M.;  
5 thence North  $89^{\circ} 39' 25''$  East 334.93 feet; thence South  $0^{\circ} 08' 47''$  East 418.08 feet;  
6 thence South  $89^{\circ} 48' 44''$  West 167.37 feet; thence South  $0^{\circ} 09' 33''$  East 668.15  
7 feet; thence South  $89^{\circ} 59' 48''$  West 496.21 feet; thence South  $0^{\circ} 09' 15''$  East 83.34  
8 feet; thence South  $89^{\circ} 58' 24''$  West 164.51 feet; thence South  $0^{\circ} 08' 41''$  East 83.31  
9 feet; thence South  $89^{\circ} 59' 14''$  West 82.26 feet; thence South  $0^{\circ} 08' 24''$  East 83.29  
10 feet; thence North  $89^{\circ} 59' 55''$  West 82.26 feet; thence South  $0^{\circ} 03' 55''$  East 83.09  
11 feet; thence North  $89^{\circ} 51' 34''$  West 82.43 feet; thence South  $0^{\circ} 03' 58''$  East 83.05  
12 feet; thence North  $89^{\circ} 50' 14''$  West 82.42 feet; thence South  $0^{\circ} 03' 30''$  East 331.95  
13 feet; thence North  $89^{\circ} 46' 07''$  West 329.53 feet; thence North  $0^{\circ} 03' 37''$  West  
14 331.59 feet; thence South  $89^{\circ} 49' 39''$  East 164.68 feet; thence North  $0^{\circ} 04' 08''$   
15 West 165.91 feet; thence North  $0^{\circ} 04' 47''$  West 498.64 feet; thence South  $89^{\circ} 57'$   
16  $00''$  West 164.57 feet; thence North  $0^{\circ} 04' 11''$  West 184.90 feet; thence North  $69^{\circ}$   
17  $21' 49''$  East 175.25 feet; thence North  $0^{\circ} 05' 22''$  West 584.25 feet; thence North  
18  $89^{\circ} 43' 00''$  East 985.90 feet to the point of beginning.

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

21 **Fish & Game Code § 10843 (amended). Farallon Islands Game Refuge**

22 SEC. \_\_\_\_\_. Section 10843 of the Fish and Game Code is amended to read:

23 10843. (a) The following constitutes the Farallon Islands Game Refuge: the  
24 Southeast Farallons, including Maintop Island, Middle Farallon, the North  
25 Farallons, Noonday Rock, and the waters lying around each island within one  
26 nautical mile from the coastline of each island.

27 (b) Section 10513 shall have no application in this refuge.

28 (c) Notwithstanding the provisions of Section 10500, persons on commercial  
29 vessels may possess unloaded firearms when traveling through the navigable waters  
30 of this refuge. Fishermen, however, may not take any seal or sea lion while in this  
31 refuge, notwithstanding the provisions of Section 4500 ~~or 4500.5~~.

32 **Comment.** Section 10843 is amended to delete a cross-reference to former Section 4500.5 as  
33 obsolete.

34 The section is also amended to add subdivision designations.

35 **Fish & Game Code § 10844 (amended). Education and outreach**

36 SEC. \_\_\_\_\_. Section 10844 of the Fish and Game Code is amended to read:

37 10844. (a) The department shall undertake appropriate education and outreach  
38 regarding the current location of existing game refuges, agency contacts for  
39 statutory notices in Sections 10506 and 10507, and the potential closure of all state  
40 game refuges, except the California Sea Otter Game Refuge and the Farallon Islands  
41 Game Refuge.

1 (b) The department shall provide an opportunity for public comment concerning  
2 the potential elimination of game refuges.

3 (c) The department shall provide information about game refuge boundaries,  
4 including, but not limited to, maps available both on the department's Internet Web  
5 site and in hardcopy format.

6 (d) The department shall also provide ~~Internet Web site~~ internet website contact  
7 information for the public to contact the department in accordance with state law.

8 (e) The department may conduct regional workshops as it determines to be  
9 necessary to provide public information about the proposed elimination of game  
10 refuges.

11 ~~(b) The department, on or before January 1, 2011, shall prepare and submit to the~~  
12 ~~Legislature a description of the public education and outreach effort undertaken~~  
13 ~~pursuant to subdivision (a), and a summary of any information provided by the~~  
14 ~~public that is relevant to the potential closure of all state game refuges except the~~  
15 ~~California Sea Otter Game Refuge and the Farallon Islands Game Refuge.~~

16 Comment. Section 10844 is amended to delete subdivision (b) of the section as obsolete.

17 The section is also amended to add new subdivision designations and make a technical  
18 correction.

19 **Fish & Game Code § 10860 (amended). Waterfowl refuges**

20 SEC. \_\_\_\_. Section 10860 of the Fish and Game Code is amended to read:

21 10860. The ~~following districts are~~ area described in this article is a waterfowl  
22 refuges refuge.

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

25 **Fish & Game Code § 10880 (amended). Quail refuges**

26 SEC. \_\_\_\_. Section 10880 of the Fish and Game Code is amended to read:

27 10880. The ~~following districts are~~ area described in this article is a quail refuges  
28 refuge.

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

31 **Fish & Game Code § 11018 (amended). District 10**

32 SEC. \_\_\_\_. Section 11018 of the Fish and Game Code is amended to read:

33 11018. The following constitutes Fish and Game District 10:

34 The ocean waters and the tidelands of the ~~State~~ state to high-water mark lying  
35 between the southern boundary of Mendocino County and a line extending west  
36 from the Pigeon Point lighthouse in San Mateo County, including the waters of  
37 Tomales Bay to a line drawn from the mouth of the unnamed creek approximately  
38 1500 feet north of Tomasini Point southwesterly 218° magnetic to the mouth of the  
39 unnamed creek at Shell Beach, and excluding Bodega Lagoon and all that portion  
40 of Bolinas Bay lying inside of Bolinas bar, that portion of San Francisco Bay lying

1 east of a line drawn from Point Bonita to Point Lobos and all rivers, streams, and  
2 lagoons.

3 ~~The amendment of this section by the Legislature at the 1963 Regular Session has~~  
4 ~~no effect on the cultivation of oysters by persons licensed under Article 4~~  
5 ~~(commencing with Section 6480), Chapter 5, Part 1, Division 6.~~

6 **Comment.** Section 11018 is amended to delete an obsolete provision and make a technical  
7 revision.

8 **Fish & Game Code § 12001.5 (amended). Specified punishments**

9 SEC. \_\_\_\_ . Section 12001.5 of the Fish and Game Code is amended to read:

10 12001.5. (a) In addition to any other penalty or fine imposed pursuant to this code,  
11 if a person has been convicted of one or more offenses that was a violation of a  
12 section listed in subdivision (b) separate from the offense before the court, the court  
13 may order as a condition of probation upon conviction of the offense before the  
14 court that is also a violation of a section listed in subdivision (b), that the person  
15 attend the hunter education course designated in Section 3051 and perform  
16 community service, preferably relating to natural resources if that type of  
17 community service is available, as follows:

18 (1) If the person has one separate conviction, not more than 200 hours of  
19 community service.

20 (2) If the person has two or more separate convictions, not more than 300 hours  
21 of community service.

22 (b) This section applies to violations relating to a taking in Sections 3007, ~~3700~~  
23 3700.1, 4330, and 4750, and a sale or purchase of parts of a bear in Section 4758.

24 **Comment.** Section 12001.5 is amended to update a cross-reference to a repealed code section.

25 **Fish & Game Code § 12002 (amended). Specified punishments**

26 SEC. \_\_\_\_ . Section 12002 of the Fish and Game Code is amended to read:

27 12002. (a) Unless otherwise provided, the punishment for a violation of this code  
28 that is a misdemeanor is a fine of not more than one thousand dollars (\$1,000),  
29 imprisonment in a county jail for not more than six months, or by both that fine and  
30 imprisonment.

31 (b) The punishment for a violation of any of the following provisions is a fine of  
32 not more than two thousand dollars (\$2,000), imprisonment in a county jail for not  
33 more than one year, or both the fine and imprisonment:

34 (1) Section 1059.

35 (2) Subdivision (b) of Section 4004.

36 (3) Section 4600.

37 (4) Paragraph (1) or (2) of subdivision (a) of Section 5650.

38 (5) A first violation of Section 8670.

39 (6) Section 10500.

40 (7) Unless a greater punishment is otherwise provided, a violation subject to  
41 subdivision (a) of Section 12003.1.

1 (c) Except as specified in Sections 12001 and 12010, the punishment for violation  
2 of Section 3503, 3503.5, 3513, or 3800 is a fine of not more than five thousand  
3 dollars (\$5,000), imprisonment in the county jail for not more than six months, or  
4 by both that fine and imprisonment.

5 (d)(1) A license, tag, stamp, reservation, permit, or other entitlement or privilege  
6 issued pursuant to this code to a defendant who fails to appear at a court hearing for  
7 a violation of this code, or who fails to pay a fine imposed pursuant to this code,  
8 shall be immediately suspended or revoked. The license, tag, stamp, reservation,  
9 permit, or other entitlement or privilege shall not be reinstated or renewed, and no  
10 other license, tag, stamp, reservation, permit, or other entitlement or privilege shall  
11 be issued to that person pursuant to this code, until the court proceeding is completed  
12 or the fine is paid.

13 (2) This subdivision does not apply to any violation of Section 1052, 1059, 1170,  
14 5650, ~~5653.9~~, 6454, 6650, or 6653.5.

15 **Comment.** Paragraph (2) of subdivision (d) of Section 12002 is amended to delete an erroneous  
16 cross-reference.

17 **Fish & Game Code § 12002.2.1 (amended). Punishments for specified offenses**

18 SEC. \_\_\_\_ . Section 12002.2.1 of the Fish and Game Code is amended to read:

19 12002.2.1. (a) Notwithstanding any other provision of law, a violation of any of  
20 the following is an infraction, punishable by a fine of not less than fifty dollars (\$50),  
21 or more than two hundred fifty dollars (\$250), for a first offense:

22 (1) Subdivision (a) of Section 6596.1.

23 (2) Subdivision (a) of Section 7149.45.

24 ~~(3) Subdivision (b) of Section 7180.1.~~

25 ~~(4) Section 1.18 of Title 14 of the California Code of Regulations.~~

26 (b) If a person is convicted of a violation of any of the sections listed in  
27 subdivision (a) within five years of a separate offense resulting in a conviction of a  
28 violation of any of those sections, that person shall be punished by a fine of not less  
29 than one hundred dollars (\$100) or more than five hundred dollars (\$500).

30 (c) If a person convicted of a violation of any of the sections listed in subdivision  
31 (a) produces in court the applicable ~~sport fishing ocean enhancement stamp~~, sport  
32 fishing ocean enhancement validation, ~~second rod sport fishing stamp~~, second rod  
33 sport fishing validation, ~~Colorado River special use stamp~~, or Colorado River  
34 special use validation, ~~Bay Delta Sport Fishing Enhancement Stamp~~ or ~~Bay Delta~~  
35 ~~Sport Fishing Enhancement validation~~ issued pursuant to this code and valid at the  
36 time of the person's arrest, and if the taking was otherwise lawful with respect to  
37 season, limit, time, and area, the court may reduce the fine imposed for the violation  
38 to twenty-five dollars (\$25).

39 **Comment.** Section 12002.2.1 is amended to delete obsolete material.

1 **Fish & Game Code § 12002.4 (amended). Commercial boat registration suspension for**  
2 **unlawful sale or purchase of fish**

3 SEC. \_\_\_\_ . Section 12002.4 of the Fish and Game Code is amended to read:

4 12002.4. (a) ~~Notwithstanding Sections 12000, 12001, and 12002, a~~ In addition to  
5 any other applicable penalty, the commercial boat registration of a commercial  
6 passenger fishing boat may be revoked or suspended by the commission, when  
7 requested by the department, for a period not to exceed one year, upon conviction  
8 of the registrant, or the registrant's agent, servant, employee, or any other person  
9 acting under the registrant's direction or control, for a violation of Section 7121 or  
10 ~~the regulations~~ a regulation adopted pursuant ~~thereto~~ to that section, if the violation  
11 in question ~~involved a vessel licensed pursuant to Section 7920~~ involves that boat.

12 (b) ~~Notwithstanding Sections 12000, 12001, and 12002, a~~ In addition to any other  
13 applicable penalty, the commercial boat registration of a vessel licensed pursuant to  
14 Section 7920 commercial passenger fishing boat may be revoked or suspended by  
15 the commission, when requested by the department, for a period not to exceed one  
16 year, upon conviction of any ~~other~~ person other than the person specified in  
17 subdivision (a), for a violation of Section 7121, if the fish or ~~amphibia~~ amphibians  
18 involved in the violation were taken from the vessel that boat, and ~~that the~~ the person  
19 committing the violation had committed a prior violation of Section 7121 involving  
20 that boat within the previous three years on the vessel.

21 (c) ~~The~~ A commercial boat registration shall not be revoked under this section for  
22 a violation ~~which is unrelated to the vessel for which the commercial boat~~  
23 ~~registration is to be revoked. Any violation~~ committed without the knowledge of the  
24 master, or an agent or employee of the registrant, ~~is unrelated to the vessel~~.

25 **Comment.** Section 12002.4 is amended for clarity. Principles of collateral estoppel may have  
26 application to a license revocation or suspension proceeding under this section. *Cf. People v. Sims*  
27 (1982) 32 Cal.3d 468, 651 P.2d 321, 186 Cal.Rptr. 77 (welfare fraud); *Gikas v. Zolin* (1993)  
28 6 Cal.4th 841, 863 P.2d 745, 25 Cal.Rptr.2d 500 (driving under the influence).

29 **Fish & Game Code § 12002.5 (amended). Required possession of wildlife area pass**

30 SEC. \_\_\_\_ . Section 12002.5 of the Fish and Game Code is amended to read:

31 12002.5. (a) Notwithstanding subdivision (a) of Section 12002, a violation of  
32 Section 1764 is an infraction, not a misdemeanor, punishable by a fine of not less  
33 than one hundred dollars (\$100) and not more than five hundred dollars (\$500). If a  
34 person convicted of a violation of Section 1764 is granted probation, the court shall  
35 impose as a condition of probation that the person pay at least the minimum fine  
36 prescribed in this subdivision.

37 (b) If a person is convicted of a violation of Section 1764 and produces in court a  
38 valid wildlife area pass, the court may reduce the fine imposed for the violation of  
39 Section 1764 to fifty dollars (\$50).

40 **Comment.** Subdivision (a) of Section 12002.5 is amended to clarify a cross-reference.

1 **Fish & Game Code § 12002.6 (amended). Suspension or revocation of registration for**  
2 **specified violations**

3 SEC. \_\_\_\_ . Section 12002.6 of the Fish and Game Code is amended to read:

4 12002.6. (a) ~~Notwithstanding Sections 12000, 12001, and 12002~~ In addition to  
5 any other applicable penalty, a commercial boat registration may be revoked or  
6 suspended by the commission, when requested by the department, for a period not  
7 to exceed one year, upon the second conviction in three years of the registrant, or  
8 the registrant's agent, servant, employee, or any other person acting under the  
9 registrant's direction or control, for a violation of any of the following provisions or  
10 regulations adopted pursuant thereto:

11 (1) Section 5521 or 5521.5.

12 (2) Article 2 (commencing with Section ~~8150~~ 8150.5), Article 3 (commencing  
13 with Section 8180), Article 4 (commencing with Section ~~8210~~ 8210.2), Article 5  
14 (commencing with Section 8250), Article 6 (commencing with Section 8275),  
15 Article 9 (commencing with Section 8370), Article 13 (commencing with Section  
16 8495), and Article 15 (commencing with Section 8550) of Chapter 2 of Part 3 of  
17 Division 6.

18 (3) Article 1 (commencing with Section 8601), Article 2 (commencing with  
19 Section ~~8620~~ 8623), Article 4 (commencing with Section 8660), Article 5  
20 (commencing with Section ~~8685~~ 8680), Article 6 (commencing with Section 8720),  
21 Article 7 (commencing with Section 8750), Article 8 (commencing with Section  
22 8780), and Article 10 (commencing with Section 8830) of Chapter 3 of Part 3 of  
23 Division 6.

24 (4) Article 1 (commencing with Section 9000) of Chapter 4 of Part 3 of Division  
25 6.

26 (b) The commercial boat registration shall not be revoked unless both the first and  
27 second convictions are related to the boat for which the commercial boat registration  
28 is to be revoked, and are for violations ~~which~~ that occurred when the person  
29 convicted was the registrant or the registrant's agent, servant, or employee, or acting  
30 under the registrant's direction or control.

31 **Comment.** Section 12002.6 is amended for clarity, to make a technical correction, and to correct  
32 four erroneous cross-references.

33 **Fish & Game Code § 12002.8 (amended). Revocation of commercial fishing license or**  
34 **permit**

35 SEC. \_\_\_\_ . Section 12002.8 of the Fish and Game Code is amended to read:

36 12002.8. (a) The court shall order the department to permanently revoke and the  
37 department shall permanently revoke, the commercial fishing license and any  
38 commercial fishing permits of any person convicted of either of the following:

39 (1) Taking or possessing abalone out of season.

40 (2) Taking or possessing abalone taken illegally from any area north of Point Sur.

41 (b) The court shall order the department to permanently revoke and the  
42 department shall permanently revoke the commercial fishing license and any

1 commercial fishing permits of any person convicted of either of the following two  
2 offenses, if the person possessed more than 12 abalone at the time of the offense:

3 (1) Removing abalone from the shell or possessing abalone illegally removed  
4 from the shell.

5 (2) Taking or possessing abalone that are less than the minimum size.

6 (c) Any person sentenced pursuant to subdivision (a) or (b) shall not thereafter be  
7 eligible for any license or permit to take or possess fish for sport or commercial  
8 purposes.

9 (d) ~~Notwithstanding Sections 12000, 12001, and 12002~~ In addition to any other  
10 applicable penalty, the commercial fishing license of the master of a vessel may be  
11 revoked or suspended by the commission, when requested by the department, for a  
12 period not to exceed one year, upon the second conviction in three years of the  
13 master or the master's agent, servant, employee, or any other person acting under  
14 the master's direction or control, for a violation of any of the following provisions  
15 or regulations adopted pursuant thereto:

16 (1) Article 2 (commencing with Section 8150.5), Article 3 (commencing with  
17 Section 8180), Article 4 (commencing with Section ~~8210~~ 8210.2), Article 5  
18 (commencing with Section 8250), Article 6 (commencing with Section 8275),  
19 Article 9 (commencing with Section 8370), Article 13 (commencing with Section  
20 ~~8495~~ 8494), and Article 15 (commencing with Section 8550) of Chapter 2 of Part 3  
21 of Division 6.

22 (2) Article 1 (commencing with Section 8601), Article 2 (commencing with  
23 Section 8623), Article 4 (commencing with Section 8660), Article 5 (commencing  
24 with Section 8680), Article 6 (commencing with Section 8720), Article 7  
25 (commencing with Section 8750), Article 8 (commencing with Section 8780), and  
26 Article 10 (commencing with Section 8830) of Chapter 3 of Part 3 of Division 6.

27 (3) Article 1 (commencing with Section 9000) of Chapter 4 of Part 3 of Division  
28 6.

29 (e) A master's license shall not be revoked unless both the first and second  
30 convictions are for a violation by the master or a violation occurring when the person  
31 convicted was acting as the master's agent, servant, employee, or acting under the  
32 master's direction or control.

33 (f) The master of a vessel is the person on board the vessel who is in charge of the  
34 vessel.

35 **Comment.** Subdivision (d) of Section 12002.8 is amended for clarity.

36 Paragraph (1) of subdivision (d) is amended to correct two erroneous cross-references.

37 **Fish & Game Code § 12008.1 (amended). Punishment and disposition of fine or forfeiture**  
38 **relating to endangered, threatened or candidate species**

39 SEC. \_\_\_\_\_. Section 12008.1 of the Fish and Game Code is amended to read:

40 12008.1. (a) Notwithstanding subdivision (a) of Section 12002 or Section 12008,  
41 the punishment for any violation of Section 2080 or 2085 is a fine of not less than  
42 twenty-five thousand dollars (\$25,000) or more than fifty thousand dollars

1 (\$50,000) for each violation, or imprisonment in the county jail for not more than  
2 one year, or ~~by~~ both that fine and imprisonment.

3 (b) Notwithstanding any other law, the moneys collected from any fine or  
4 forfeiture imposed or collected for violating Chapter 1.5 (commencing with Section  
5 2050) of Division 3 shall be deposited as follows:

6 (1) One-half in the Endangered Species Permitting Account established pursuant  
7 to Section 2081.2.

8 (2) One-half in the county treasury of the county in which the violation occurred.  
9 The board of supervisors shall first use revenues pursuant to this subdivision to  
10 reimburse the costs incurred by the district attorney or city attorney in investigating  
11 and prosecuting the violation. Any excess revenues may be expended in accordance  
12 with Section 13103.

13 **Comment.** Subdivision (a) of Section 12008.1 is amended to clarify a cross-reference.  
14 Subdivision (a) is also amended to make two technical corrections.

15 **Fish & Game Code § 12010 (amended). Birds of prey**

16 SEC. \_\_\_\_ . Section 12010 of the Fish and Game Code is amended to read:

17 12010. ~~(a)~~ Notwithstanding Section 12002, the maximum punishment for each  
18 violation of Section 3503.5 relating to a bird-of-prey that is either designated as  
19 endangered, threatened, or fully protected, or taken from the wild and subsequently  
20 reported to the department as having been bred in captivity, is a fine of five thousand  
21 dollars (\$5,000) or imprisonment in the county jail for a period of not to exceed one  
22 year, or both the fine and imprisonment.

23 ~~(b) Notwithstanding Section 12002, the maximum punishment for a violation of~~  
24 ~~Section 3503.5 relating to any bird of prey that was taken from the wild and that~~  
25 ~~is subsequently reported to the department as having been bred in captivity is a fine~~  
26 ~~of five thousand dollars (\$5,000) or imprisonment in the county jail for a period of~~  
27 ~~not to exceed one year, or both the fine and imprisonment.~~

28 **Comment.** Section 12010 is amended to eliminate duplicative text.

29 **Fish & Game Code § 12017 (amended). Deposit of specified funds**

30 SEC. \_\_\_\_ . Section 12017 of the Fish and Game Code, as amended by Section 16  
31 of Chapter 258 of the Statutes of 2022, is amended to read:

32 12017. (a) Notwithstanding subdivision (a) of Section 13001, any recovery or  
33 settlement of money received pursuant to the following sections shall be deposited  
34 in the Fish and Wildlife Pollution Account:

35 (1) Section 2014.

36 (2) Article 1 (commencing with Section 5650) of Chapter 2 of Part 1 of Division  
37 6.

38 (3) Section 12015 or 12016.

39 (4) Chapter 4 (commencing with Section 151) of Division 1.5 of the Harbors and  
40 Navigation Code.

41 (5) Section 13442 of the Water Code.

- 1 (6) Proceeds or recoveries from pollution and abatement actions.  
2 (b) Moneys in the account are continuously appropriated to the department,  
3 except as provided in Section 13230.  
4 (c) Funds in the account shall be expended for the following purposes:  
5 (1) Abatement, cleanup, and removal of pollutants from the environment.  
6 (2) Response coordination, planning, and program management.  
7 (3) Resource injury determination.  
8 (4) Resource damage assessment.  
9 (5) Economic valuation of resources.  
10 (6) Restoration or rehabilitation at sites damaged by pollution.  
11 (d) Notwithstanding subdivision (c), funds in the account in excess of one million  
12 dollars (\$1,000,000) as of July 1 of each year may also be expended for the  
13 preservation of California plants, wildlife, and fisheries.  
14 (e) Funds in the account may be expended for cleanup and abatement if a  
15 reasonable effort has been made to have the responsible party pay cleanup and  
16 abatement costs and funds are not available for disbursement from the emergency  
17 reserve account of the Toxic Substances Control Account in the General Fund  
18 pursuant to Section 78875 of the Health and Safety Code.  
19 (f) The department may use funds in the account to pay the costs of consultant  
20 contracts for resource injury determination or damage assessment during hazardous  
21 material or oil spill emergencies. These contracts are not subject to Part 2  
22 (commencing with Section 10100) of Division 2 of the Public Contract Code.  
23 **Comment.** Subdivision (a) of Section 12017 is amended to correct an overbroad cross-reference.

24 **Fish & Game Code § 12020 (amended). Failure to appear is misdemeanor**

- 25 SEC. \_\_\_\_\_. Section 12020 of the Fish and Game Code is amended to read:  
26 12020. Any person who is charged with a violation of this code or a regulation  
27 adopted pursuant to this code, who willfully ~~violating his~~ violates their written  
28 promise to appear in court, or before a person authorized to receive a deposit of bail,  
29 is guilty of a misdemeanor, regardless of the disposition of the charge upon which  
30 he the person was originally arrested.  
31 **Comment.** Section 12020 is amended to clarify its application to violations of the Fish and Game  
32 Code or regulations adopted pursuant to that code.  
33 The section is also amended to make it gender neutral.

34 **Fish & Game Code § 12023 (amended). Specified punishments**

- 35 SEC. \_\_\_\_\_. Section 12023 of the Fish and Game Code is amended to read:  
36 12023. (a) Notwithstanding ~~Section~~ Sections 12002 and 12007, any person who  
37 violates Section 6400 through the use of an aquatic nuisance species, as defined in  
38 Section 6431, is guilty of a misdemeanor, punishable by all of the following:  
39 (1) Imprisonment in the county jail for not less than six months or more than one  
40 year, a fine of not more than fifty thousand dollars (\$50,000) for each violation, or  
41 both that imprisonment and fine.

1 (2) Revocation of all of the defendant’s licenses and permits issued pursuant to  
2 this code.

3 (b) A person who personally or through another violates Section 6400, through  
4 the use of an aquatic nuisance species, is liable to the owner of any privately or  
5 publicly owned property for any damages to that property caused by the violation.  
6 A person who violates Section 6400 through the use of an aquatic nuisance species  
7 shall also be liable for all monetary damages directly, indirectly, and proximately  
8 caused thereby, including, but not limited to, damages to any commercial fishery,  
9 sport fishery, or to the public communities which depend upon those fisheries for a  
10 portion of their annual income. The Attorney General may file a civil action on  
11 behalf of the fisheries or communities that are damaged as a result of the violation.  
12 In addition, a private citizen who suffers damages as a result of the violation may  
13 file a civil action against the violator.

14 (c) A person who allows an aquatic nuisance species to escape from ~~his or her~~  
15 their property to the property of another, whether privately or publicly owned, is  
16 liable to the owner of the intruded upon property for any damages caused by the  
17 species.

18 (d) This section shall not apply to the placement of any live fish, any fresh or salt  
19 water animal, or any aquatic plant from the discharge or exchange of ballast water  
20 from any vessel as defined by Section 21 of the Harbors and Navigation Code.

21 (e) This section does not apply to the placement of an aquatic plant by a person  
22 who was unaware that ~~he or she was~~ they were in possession of the plant. This  
23 exception includes circumstances in which a plant becomes unknowingly and  
24 temporarily attached or affixed to a boat, boat trailer, or boat motor.

25 **Comment.** Subdivision (a) of Section 12023, which specifies punishment for a violation of  
26 Section 6400, is amended to reconcile its relationship with Sections 12002 and 12007, which also  
27 specify punishment for a violation of Section 6400.

28 Subdivisions (c) and (e) are revised to make the section gender neutral.

29 **Fish & Game Code § 12153 (amended). License forfeiture**

30 SEC. \_\_\_\_\_. Section 12153 of the Fish and Game Code is amended to read:

31 12153. A commercial fishing license is forfeited for the violation of Sections  
32 1050.1 to ~~1060~~ 1059, inclusive, or Section 2012, or of any of the provisions of this  
33 code relating to the use of nets.

34 **Comment.** Section 12153 is amended to delete reference to a repealed and discontinued cross-  
35 reference.

36 **Fish & Game Code § 13011 (amended). Deposit of specified funds**

37 SEC. \_\_\_\_\_. Section 13011 of the Fish and Game Code is amended to read:

38 13011. The state portion of any recovery or settlement of money damages  
39 received pursuant to any citation or charges brought under the following sections by  
40 the people by or through any state or local public entity shall be deposited in the  
41 following subaccounts:

1 (a) Administrative and judicially imposed fines, penalties, or punitive damages  
2 resulting from either civil or criminal action or administrative civil liability for  
3 violations of the oil and petroleum product control and discharge provisions of this  
4 code, including, but not limited to, Sections 2014, 12011, and 12016, Chapter 6.5  
5 (commencing with Section 2580) of Division 3, and Chapter 2 (commencing with  
6 Section ~~5600~~ 5650) of Part 1 of Division 6, shall be deposited in the Oil Pollution  
7 Administration Subaccount or the Oil Pollution Response and Restoration  
8 Subaccount as determined by administrative or judicial settlement, or as provided  
9 by law.

10 (b) Administrative and judicially imposed fines, penalties, or punitive damages  
11 resulting from either criminal or administrative civil liability for violations of  
12 hazardous materials and other pollution laws including, but not limited to, Sections  
13 2014 and 12016, and Chapter 6.5 (commencing with Section 2580) of Division 3,  
14 and Part 1 (commencing with Section 5500) of Division 6, shall be deposited in the  
15 Hazardous Materials Administration Subaccount or the Hazardous Materials  
16 Response and Restoration Subaccount as determined by administrative or judicial  
17 settlement or as provided by law.

18 **Comment.** Subdivision (a) of Section 13011 is amended to correct an erroneous cross-reference.  
19 The section is also amended to make technical corrections.

20 **Fish & Game Code § 13013 (amended). Prudent reserve**

21 SEC. \_\_\_\_ . Section 13013 of the Fish and Game Code is amended to read:

22 13013. (a) Appropriations from either the Oil Pollution Administration  
23 Subaccount or the Hazardous Materials Administration Subaccount shall not exceed  
24 one third of the maximum fund level established under Section 13012 in order to  
25 maintain a prudent reserve for future appropriations.

26 (b) If the director or ~~his or her~~ the director's designee expends funds from the  
27 prudent reserve established pursuant to subdivision (a) for activities authorized  
28 under subdivision (b) of Section 13230, the director or the director's designee shall  
29 ensure that there are adequate funds remaining in those subaccounts to carry out  
30 their purposes. Expenditures from the prudent reserve shall be repaid in part, or in  
31 full, from any funds received pursuant to Section 13011 until those reserves are fully  
32 reimbursed.

33 (c) The director or ~~his or her~~ the director's designee, shall recover from the spiller,  
34 responsible party, or, in the absence of those responsible parties, from a particular  
35 pollution abatement or remediation account, all expenditures paid ~~from the accounts~~  
36 ~~established~~ pursuant to subdivisions (b) and (d) of Section 13230, and all costs  
37 incurred by the department arising from the administration and enforcement of  
38 applicable pollution laws. The director or ~~his or her~~ the director's designee may  
39 request, and a district attorney, city attorney, or other prosecuting agency, as part of  
40 a prosecution or negotiation, may allege a claim for, these costs and expenditures  
41 and shall deposit any recoveries into the fund from which they were expended.

1 (d) The director or ~~his or her~~ the director's designee shall ensure that there are  
2 adequate funds in the accounts and subaccounts specified in this section to carry out  
3 their purposes.

4 **Comment.** Subdivision (c) of Section 13013 is amended to delete an erroneous reference to  
5 accounts established pursuant to subdivisions (b) and (d) of Section 13230.

6 The section is also amended to make it gender neutral.

7 **Fish & Game Code § 15512 (amended). Compensation to owner of destroyed plant or**  
8 **animal**

9 SEC. \_\_\_\_\_. Section 15512 of the Fish and Game Code is amended to read:

10 15512. (a) If aquatic plants or animals are destroyed pursuant to subdivision (e)  
11 of Section 15505, and a claim is submitted pursuant to Section 15513, the owner  
12 shall be promptly paid from the General Fund an amount equal to 75 percent of the  
13 replacement value of the plants or animals, less the value determined by the  
14 department of any replacement stock provided by the department under subdivision  
15 (b) ~~if the claim is submitted pursuant to Section 15513~~. If the replacement value is  
16 not settled between the owner and the department, the replacement value shall be  
17 determined by an appraiser appointed by the director and an appraiser appointed by  
18 the owner. Appraiser's fees shall be paid by the appointing party. Disputes between  
19 these two appraisers shall be submitted to arbitration under the Commercial  
20 Arbitration Rules of the American Arbitration Association.

21 (b) If the department provides replacement stock to an aquaculturist whose plants  
22 or animals are destroyed pursuant to subdivision (e) of Section 15505, the amount  
23 to be paid to the aquaculturist pursuant to this section shall be reduced by the value  
24 of the replacement stock, as determined by the department.

25 (c) The result of the arbitration or the amount settled between the owner and the  
26 department, reduced by the value determined by the department of any replacement  
27 stock provided under subdivision (b), may be submitted as a claim by the owner to  
28 the Department of General Services pursuant to Section 15513.

29 **Comment.** Section 15512 is amended for clarity.

30 **Fish & Game Code § 15601 (amended). Application for importation**

31 SEC. \_\_\_\_\_. Section 15601 of the Fish and Game Code is amended to read:

32 15601. A written application for the importation of a live aquatic plant or animal  
33 that is submitted in conformance with the procedural requirements established by  
34 the commission is deemed to be approved ~~where~~ if it has not been denied within 60  
35 days.

36 **Comment.** Section 15601 is amended for clarity. The added language provides context, drawn  
37 from preceding Section 15600.

38 **Fish & Game Code § 15700 (amended). Composition of committee**

39 SEC. \_\_\_\_\_. Section 15700 of the Fish and Game Code is amended to read:

1 15700. The director shall appoint an Aquaculture Development Committee  
2 consisting of the following persons:

3 (a) At least 12 members representing all sectors of the fresh and salt water  
4 aquaculture industry.

5 (b) One member representing the department, two members from and chosen by  
6 the University of California, one with expertise in aquaculture science and one with  
7 expertise in outreach to the fisheries community, and one member each from and  
8 chosen by the Department of Food and Agriculture, the California Coastal  
9 Commission, the State Lands Commission, the State Water Resources Control  
10 Board, the ~~State Department of Health Services~~ State Department of Public Health,  
11 and the Joint Legislative Committee on Fisheries and Aquaculture. The member of  
12 the committee appointed by the Joint Legislative Committee on Fisheries and  
13 Aquaculture shall meet and, except as otherwise provided by the California  
14 Constitution, advise the committee to the extent that this advisory participation is  
15 not incompatible with ~~his or her~~ their position as a Member of the Legislature.

16 **Comment.** Section 15700 is amended to update an obsolete reference to the State Department  
17 of Health Services. See Health & Safety Code Sections 20 and 131052(6).

18 The section is also amended to make it gender neutral.

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