

## Department of Fish and Game

**BUDGET NO. 3600**

**REPORT NO. 1**

### **PUBLIC RESOURCES CODE**

**DIVISION 36. MARINE INVASIVE SPECIES ACT [71200. - 71271.]**  
*( Heading of Division 36 amended by Stats. 2009, Ch. 317, Sec. 1. )*  
**CHAPTER 3. Research and Program Evaluation [71211. - 71213.]**  
*( Chapter 3 added by Stats. 1999, Ch. 849, Sec. 1. )*

71211.

(a) (1) The Department of Fish and Game, in consultation with the commission and the United States Coast Guard, shall collect data necessary to establish and maintain an inventory of the location and geographic range of nonindigenous species populations in the coastal and estuarine waters of the state that includes open coastal waters and bays and estuaries. In particular, data shall be collected that does both of the following:

(A) Supplements the existing baseline of nonindigenous species previously developed pursuant to this section, by adding data from investigations of intertidal and nearshore subtidal habitats along the open coast.

(B) Monitors the coastal and estuarine waters of the state, including, but not limited to, habitats along the open coast, for new introductions of nonindigenous species or spread of existing nonindigenous species populations.

(2) Whenever possible, the study shall utilize appropriate, existing data, including data from previous studies made pursuant to this section. The Department of Fish and Game shall make the inventory and accompanying analysis available to the public through the Internet on or before January 1, 2007, and annually shall provide to the public an update of that inventory.

(b) (1) The Department of Fish and Game, in consultation with the commission and the United States Coast Guard, shall assess the effectiveness of the ballast water controls implemented pursuant to this division by comparing the status and establishment of nonindigenous species populations, as determined from the data collected pursuant to subdivision (a), with the baseline data collected pursuant to this division and submitted in a report to the Legislature in 2003.

(2) Whenever possible, this research shall utilize appropriate, existing data.

(3) The Department of Fish and Game shall submit a report presenting its assessment to the Legislature and the public on or before January 1, 2009, and every three years thereafter.

(c) Information generated by the research conducted pursuant to this section shall be of the type and in a format useful for subsequent studies and reports undertaken for any of the following purposes:

(1) The determination of alternative discharge zones.

(2) The identification of environmentally sensitive areas to be avoided for uptake or discharge of ballast water.

(3) The long-term effectiveness of discharge control measures.

(4) The determination of potential risk zones where uptake or discharge of ballast water shall be prohibited.

(5) The rate and risk of establishment of nonindigenous species in the coastal waters of the state, and resulting impacts.

*(Amended by Stats. 2006, Ch. 292, Sec. 5. Effective January 1, 2007.)*

### **No Related Legislation**

### **COMMENTS/RECOMMENDATIONS:**

According to the Department of Fish and Game, this report should be deleted because the information is not being used.

**REPORT NO. 2**

**BUDGET REPORT NO. 3600**

**PENAL CODE**

**653o**

(a) It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or porpoise (*Delphinidae*), Spanish lynx, or elephant.

(b) (1) Commencing January 1, 2015, it shall be unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any crocodile or alligator.

(2) This subdivision shall not be construed to authorize the importation or sale of any alligator or crocodilian species, or any products thereof that are listed as endangered under the federal Endangered Species Act, or to allow the importation or sale of any alligator or crocodilian species, or any products thereof, in violation of any federal law or any international treaty to which the United States is a party.

(c) (1) This section shall not apply to kangaroos that may be harvested lawfully under Australian national and state law, the federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531 et seq.), and applicable international conventions, provided that the Department of Fish and Game is annually informed in writing, by May 1, by the Australian government that the commercial harvest of kangaroos in any future year will not exceed the official quota for that year, consistent with Australian national and state law, and of the sustainability principles on which that quota is based.

(2) If the department fails to receive the report described in paragraph (1), the department shall inform the Australian national government that future importation of kangaroos that otherwise may be harvested lawfully under Australian national and state law, the federal Endangered Species Act of 1971 (16 U.S.C. Sec. 1531 et seq.), and applicable international conventions shall be halted and their importation into this state for commercial purposes, possession with intent to sell, or sale within the state will be subject to the provisions of this section.

(d) Any person who violates any provision of this section is guilty of a misdemeanor and shall be subject to a fine of not less than one thousand dollars (\$1,000) and not to exceed five thousand dollars (\$5,000) or imprisonment in the county jail not to exceed six months, or both that fine and imprisonment, for each violation.

(e) The prohibitions against importation for commercial purposes, possession with intent to sell, and sale of the species listed in this section are severable. A finding of the invalidity of any one or more prohibitions shall not affect the validity of any remaining prohibitions.

(f) This section shall remain in effect only until January 1, 2016, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2016, deletes or extends that date.

**Section that becomes operative on January 1, 2016 (re-establishes the ban)**

6530. (a) It is unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any polar bear, leopard, ocelot, tiger, cheetah, jaguar, sable antelope, wolf (*Canis lupus*), zebra, whale, cobra, python, sea turtle, colobus monkey, kangaroo, vicuna, sea otter, free-roaming feral horse, dolphin or porpoise (*Delphinidae*), Spanish lynx, or elephant.

(b) (1) Commencing January 1, 2015, it shall be unlawful to import into this state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body, or any part or product thereof, of any crocodile or alligator.

(2) This subdivision shall not be construed to authorize the importation or sale of any alligator or crocodilian species, or any products thereof that are listed as endangered under the federal Endangered Species Act, or to allow the importation or sale of any alligator or crocodilian species, or any products thereof, in violation of any federal law or any international treaty to which the United States is a party.

(c) Any person who violates any provision of this section is guilty of a misdemeanor and shall be subject to a fine of not less than one thousand dollars (\$1,000) and not to exceed five thousand dollars (\$5,000) or imprisonment in the county jail not to exceed six months, or both that fine and imprisonment, for each violation.

(d) The prohibitions against importation for commercial purposes, possession with intent to sell, and sale of the species listed in this section are severable. A finding of the invalidity of any one or more prohibitions shall not affect the validity of any remaining prohibitions.

(e) This section shall become operative on January 1, 2016.

**COMMENTS/RECOMMENDATIONS:**

Prior to 2008, there was a total ban on the importation of kangaroo products. An exception to the ban was added by SB 880 (Calderon) Chapter 576, Statutes of 2007, allowing for imports so long as Australia submits the annual report regarding quota compliance to DGS by May 1<sup>st</sup>. DFG is required to halt kangaroo importations from Australia if it finds that the quotas are being ignored.

DFG is simply responsible for "receiving" the report, not creating it. The exemption was extended to January 1, 2016, by SB 1345 (Calderon) Chapter 412, Statutes of 2010.

The Legislature may wish to consider maintaining the report until the exception is repealed.

## REPORT NO. 3

### FISH & GAME CODE

#### DIVISION 4. BIRDS AND MAMMALS [3000. - 4904.]

*( Division 4 enacted by Stats. 1957, Ch. 456. )*

#### PART 3. MAMMALS [3950. - 4904.]

*( Part 3 enacted by Stats. 1957, Ch. 456. )*

#### CHAPTER 11. Bighorn Sheep [4900. - 4904.]

*( Chapter 11 added by Stats. 1986, Ch. 745, Sec. 3. )*

#### 4904.

(a) The department shall biennially report the following to the Legislature:

- (1) The management units for which plans have been developed pursuant to Section 4901.
- (2) A summary of the data from the annual count conducted by the department for the purposes of subdivision (b) of Section 4902.
- (3) The number of tags issued in the preceding season, and the number of mature Nelson bighorn rams taken under valid tags in the preceding season.
- (4) Any instance known to the department of the unlawful or unlicensed taking of a Nelson bighorn sheep in this state and the disposition of any prosecution therefor.
- (5) The number of Nelson bighorn sheep relocated during the previous year, the area where reintroduced, a statement on the success of the reintroduction, and a brief description of any reintroduction planned for the following year.

(b) The report shall consist of a compilation of the results of the ongoing study conducted pursuant to this section each year since the enactment of this chapter and an assessment of the environmental impact of the hunting of Nelson bighorn sheep on the herds.

*[\(Amended by Stats. 2007, Ch. 285, Sec. 102. Effective January 1, 2008.\)](#)*

### COMMENTS/RECOMMENDATIONS:

The Department of Fish and Game recommends deleting the report requirement as the information is no longer being used. According to the department, the information is already provided to the Fish and Game Commission and on the department website.

## **REPORT NO. 4**

### **FISH & GAME CODE**

#### **DIVISION 3. FISH AND GAME GENERALLY [2000. - 2947.]**

*( Division 3 enacted by Stats. 1957, Ch. 456. )*

#### **CHAPTER 1.5. Endangered Species [2050. - 2115.5.]**

*( Chapter 1.5 repealed and added by Stats. 1984, Ch. 1240, Sec. 2. )*

#### **ARTICLE 3.5. Incidental Take Associated with Routine and Ongoing Activities [2086. - 2089.]**

*( Article 3.5 added by Stats. 1997, Ch. 528, Sec. 1. )*

2086.

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

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

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

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

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

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

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

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

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

(2) Commencing in 2000, and every five years thereafter, the department shall report to the appropriate policy committees of the Legislature regarding the effect of the programs. The department shall consult with the Department of Food and Agriculture in evaluating the programs and preparing the report. The report shall address factors such as the temporary and permanent acreage benefiting from the programs, include an estimate of the amount of land upon which routine and ongoing agricultural activities are conducted, provide examples of farmer and rancher cooperation, and include recommendations to improve the voluntary participation by farmers and ranchers.

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

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

(A) The name and contact information of the participating organization.

(B) A brief description of the planned outreach activities.

(C) An end date for the outreach activities.

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

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

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

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

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

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

[\(Amended by Stats. 2010, Ch. 290, Sec. 2. Effective January 1, 2011.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-231		Endangered species: routine and ongoing agricultural activities: incidental and accidental take of species.	Chaptered 09/29/1997		-		
SB-600	Committee on Judiciary	Maintenance of the codes.	Chaptered 07/14/2003	07/14/2003 - Chaptered by Secretary of State. Chapter 62,	-		

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
				Statutes of 2003. 07/14/2003 - Approved by Governor.			
SB-1303	Wolk	Protected species: accidental take: agricultural activities.	Chaptered 09/24/2010	09/24/2010 - Chaptered by Secretary of State. Chapter 290, Statutes of 2010.	Secretary of State- Chaptered	Yes	Majority

**COMMENTS/RECOMMENDATIONS:**

According to the Department of Fish and Game, the information required in this report is available on the internet. The Legislature may wish to require the Department to post this information on their website.



## **REPORT NO. 5**

### **FISH & GAME CODE**

#### **DIVISION 1. FISH AND GAME COMMISSION [101. - 500.]**

*( Division 1 enacted by Stats. 1957, Ch. 456. )*

#### **CHAPTER 5. Management of Deer [450. - 460.]**

*( Chapter 5 repealed and added by Stats. 1977, Ch. 839. )*

456.

(a) The department shall biennially report to the Legislature and to the Fish and Game Commission on the progress that is being made toward the restoration 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 sale of deer tags during the two previous fiscal years; a list of expenditures during the two previous fiscal years and proposed expenditures during the current fiscal year; and a report of general benefits accrued to the deer resources as a result of the program.

(b) The department shall not recommend to the commission any deer management program or any modification of the commission's deer hunting regulations submitted pursuant to Section 460 unless the recommendations are consistent with adopted deer herd management plans.

[\(Amended by Stats. 1988, Ch. 1455, Sec. 1.\)](#)

### **COMMENTS/RECOMMENDATIONS:**

According to the Department of Fish and Game, this information is already provided to the Fish and Game Commission and the public on the DFG website. The Legislature may wish to require the Department to post this information on their website.

## REPORT NO. 6

### FISH & GAME CODE

#### DIVISION 6. FISH [5500. - 9101.]

( Division 6 enacted by Stats. 1957, Ch. 456. )

#### PART 1. GENERALLY [5500. - 6930.]

( Part 1 enacted by Stats. 1957, Ch. 456. )

#### CHAPTER 5. Fish Planting and Propagation [6400. - 6598.]

( Chapter 5 enacted by Stats. 1957, Ch. 456. )

#### ARTICLE 4. Grass Carp [6440. - 6460.]

( Article 4 added by Stats. 1995, Ch. 249, Sec. 2. )

6453.

(a) On or before March 1 of each year following the first year after triploid grass carp introduction, the permittee shall provide to the department all of the information required by the department, including, but not limited to, the following:

- (1) The number and size of triploid grass carp recommended for the waterway stocked.
  - (2) The number and size of triploid grass carp stocked in the waterway.
  - (3) The acres of aquatic plants, by species, at the peak of the growing season in the year prior to introduction of triploid grass carp in the waterway stocked.
  - (4) The acres of aquatic plants, by species, at the peak of the current year growing season.
- (b) The annual report shall be submitted until five years after the use of triploid grass carp to control aquatic plant pests is terminated, unless evidence acceptable to the department is provided that all triploid grass carp have been removed from the waterway.

[\(Amended by Stats. 2001, Ch. 753, Sec. 7. Effective January 1, 2002.\)](#)

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1673	Committee on Water, Parks and Wildlife	Fish: wildlife: marine life master plan: abalone: triploid grass carp: striped bass: salmon: landing fees: sea cucumbers: sablefish: permits.	Chaptered 10/12/2001	10/12/2001 - Chaptered by Secretary of State - Chapter 753, Statutes of 2001.	-		
SB-157		Grass carp: aquatic plant pest control.	Chaptered 08/01/1995		-		
SB-472		Fish: triploid grass carp.	Chaptered 09/29/1997		-		

#### COMMENTS/RECOMMENDATIONS:

According to the Department of Fish and Game, the department has insufficient funding and staff to collect and assess the information required in this report.

## REPORT NO. 7

### FISH & GAME CODE

#### DIVISION 2. DEPARTMENT OF FISH AND GAME [700. - 1940.]

*( Division 2 enacted by Stats. 1957, Ch. 456. )*

#### CHAPTER 3. Other Powers and Duties [1000. - 1206.]

*( Chapter 3 enacted by Stats. 1957, Ch. 456. )*

#### ARTICLE 1. Generally [1000. - 1019.]

*( Heading of Article 1 renumbered from Article 1.5 by Stats. 1984, Ch. 1162, Sec. 2. )*

1019.

(a) Subject to an appropriation of funds by the Legislature for that purpose, for parcels wholly within its jurisdiction acquired on or after January 1, 2002, the department shall prepare draft management plans for public review within 18 months of the recordation date.

(b) (1) On or before February 1 of each year, the department shall submit a list of lands acquired during the previous two fiscal years and the status of the management plans for each acquisition to the fiscal committees of each house of the Legislature.

(2) Each fiscal committee in the Legislature shall consider the lists described in paragraph (1) in its budget decisions for the department.

*(Amended by Stats. 2003, Ch. 62, Sec. 94. Effective January 1, 2004.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1414	Dickerson, Florez	Public lands.	Chaptered 02/19/2002	02/19/2002 - Chaptered by Secretary of State - Chapter 8, Statutes of 2002. 02/19/2002 - Approved by the Governor.	-		
SB-600	Committee on Judiciary	Maintenance of the codes.	Chaptered 07/14/2003	07/14/2003 - Chaptered by Secretary of State. Chapter 62, Statutes of 2003. 07/14/2003 - Approved by Governor.	-		

#### COMMENTS/RECOMMENDATIONS:

According to the Department of Fish and Game, the department has insufficient funding and staff to collect and assess the information required in this report.

**REPORT NO. 8**

**FISH & GAME CODE**

**DIVISION 3. FISH AND GAME GENERALLY [2000. - 2947.]**

*( Division 3 enacted by Stats. 1957, Ch. 456. )*

**CHAPTER 10.5. Marine Life Protection Act [2850. - 2863.]**

*( Chapter 10.5 added by Stats. 1999, Ch. 1015, Sec. 1. )*

**2861.**

(a) The commission shall, annually until the master plan is adopted and thereafter at least every three years, receive, consider, and promptly act upon petitions from any interested party, to add, delete, or modify MPAs, favoring those petitions that are compatible with the goals and guidelines of this chapter.

(b) Prior to the adoption of a new MPA or the modification of an existing MPA that would make inoperative a statute, the commission shall provide a copy of the proposed MPA to the Legislature for review by the Joint Committee on Fisheries and Aquaculture or, if there is no such committee, to the appropriate policy committee in each house of the Legislature.

(c) Nothing in this chapter restricts any existing authority of the department or the commission to make changes to improve the management or design of existing MPAs or designate new MPAs prior to the completion of the master plan. The commission may abbreviate the master plan process to account for equivalent activities that have taken place before enactment of this chapter, providing that those activities are consistent with this chapter.

*(Amended by Stats. 2001, Ch. 753, Sec. 4. Effective January 1, 2002.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-993	Shelley	Marine resources: Marine Life Protection Act.	Chaptered 10/10/1999	10/10/1999 - Chaptered by Secretary of State - Chapter 1015, Statutes of 1999. 10/10/1999 - Approved by the Governor.	-		
AB-1673	Committee on Water, Parks and Wildlife	Fish: wildlife: marine life master plan: abalone: triploid grass carp: striped bass: salmon: landing fees: sea cucumbers: sablefish: permits.	Chaptered 10/12/2001	10/12/2001 - Chaptered by Secretary of State - Chapter 753, Statutes of 2001.	-		
SB-1148	Pavley	Fish and Game Commission: Department of Fish and Game.	Amended Assembly 06/21/2012	07/03/2012 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 2.) (June 26). Re-referred to Com. on APPR.	Assembly-In Committee Process - Appropriations	Yes	Majority

**COMMENTS/RECOMMENDATIONS:**

According to the Department of Fish and Game, this report should be eliminated as the Fish and Game Commission will prepare the report, as needed, upon request.

## REPORT NO. 9

### FISH & GAME CODE

#### DIVISION 6. FISH [5500. - 9101.]

*( Division 6 enacted by Stats. 1957, Ch. 456. )*

#### PART 3. COMMERCIAL FISHING [7600. - 9101.]

*( Part 3 enacted by Stats. 1957, Ch. 456. )*

#### CHAPTER 3. Nets [8601. - 8890.]

*( Chapter 3 enacted by Stats. 1957, Ch. 456. )*

#### ARTICLE 1.4. Marine Resources Protection Act of 1990 [8610.1. - 8610.16.]

*( Article 1.4 added by Stats. 1992, Ch. 94, Sec. 1.5. )*

#### 8610.10.

On or before December 31 of each year, the director shall prepare and submit a report to the Legislature regarding the implementation of this article, including an accounting of all funds. The director shall include in the report an account of the costs incurred by the department for the administration of this article and Article XB of the California Constitution.

*(Added by Stats. 1992, Ch. 94, Sec. 1.5. Effective January 1, 1993.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-1		Marine Resources Protection Act of 1990: surrender of permits: compensation.	Chaptered 06/18/1992		-		

### COMMENTS/RECOMMENDATIONS:

According to the Department of Fish and Game, the program has insufficient funding and the report no longer serves any interest.

## REPORT NO. 10

### FISH & GAME CODE

#### DIVISION 4. BIRDS AND MAMMALS [3000. - 4904.]

*( Division 4 enacted by Stats. 1957, Ch. 456. )*

#### PART 3. MAMMALS [3950. - 4904.]

*( Part 3 enacted by Stats. 1957, Ch. 456. )*

#### CHAPTER 10. Mountain Lions [4800. - 4810.]

*( Chapter 10 repealed and added June 5, 1990, by initiative Proposition 117, Sec. 6. )*

4807.

(a) Any mountain lion that is encountered while in the act of pursuing, inflicting injury to, or killing livestock, or domestic animals, may be taken immediately by the owner of the property or the owner's employee or agent. The taking shall be reported within 72 hours to the department. The department shall investigate the depredation, and, if the mountain lion was captured, injured, or killed, the mountain lion or the entire carcass of the mountain lion which has been recovered shall be turned over to the department. Upon satisfactorily completing the investigation and receiving the mountain lion or the carcass, if recovered, the department shall issue a permit confirming that the requirements of this section have been met with respect to the particular mountain lion taken under these circumstances.

(b) The department shall undertake a complete necropsy on any returned mountain lion carcass and report the findings to the commission. The commission shall compile the reported findings and prepare an annual written report that shall be submitted to the Legislature not later than the January 15 next following the year in which the mountain lion was taken.

*(Repealed and added June 5, 1990, by initiative Proposition 117.)*

### COMMENTS/RECOMMENDATIONS:

According to the Department of Fish and Game, the department has insufficient funding and staff to collect and assess the information required in this report (This reporting requirement was added by Proposition 117). Proposition 117, approved by the voters in 1990, requires any amendment to this section shall further the purposes of the Act and must be approved by a 4/5 vote of the Legislature

## **REPORT NO. 11**

### **FISH & GAME CODE**

#### **DIVISION 2. DEPARTMENT OF FISH AND GAME [700. - 1940.]**

*( Division 2 enacted by Stats. 1957, Ch. 456. )*

#### **CHAPTER 4. Wildlife Conservation Law of 1947 [1300. - 1375.]**

*( Chapter 4 enacted by Stats. 1957, Ch. 456. )*

#### **ARTICLE 3.5. Oak Woodlands Conservation Act [1360. - 1372.]**

*( Article 3.5 added by Stats. 2001, Ch. 588, Sec. 2. )*

#### **1363.5.**

(a) Commencing on June 30, 2003, and every two years thereafter, the board shall report to the Legislature and the Governor concerning the activities and expenditures of the fund.

(b) (1) In the first report to the Legislature, the board shall provide its best estimate of the total amount, in terms of acreage, species, and coverage, of oak woodlands habitat purchased with funds from the Habitat Conservation Fund and other funds pursuant to the California Wildlife Protection Act of 1990 (Chapter 9 (commencing with Section 2780) of Division 3).

(2) In each subsequent report, the board shall update the information required by paragraph (1) to reflect additional oak woodlands habitat purchased with funds from the Habitat Conservation Fund pursuant to Chapter 9 (commencing with Section 2780) of Division 3, and any purchases made with moneys deposited in the Oak Woodlands Conservation Fund.

(c) The board shall provide its best estimate in each report of the acreage, cover, and species of oak woodlands habitat purchased with all moneys from the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Fund.

(d) The board shall make all information available online at its Web site.

(e) This section shall become inoperative on July 1, 2020, and, as of January 1, 2021, is repealed, unless a later enacted statute that is enacted before January 1, 2021, deletes or extends the dates on which it becomes inoperative and is repealed.

[\(Amended by Stats. 2005, Ch. 22, Sec. 66. Effective January 1, 2006. Inoperative July 1, 2020. Repealed as of January 1, 2021, by its own provisions.\)](#)

### **COMMENTS/RECOMMENDATIONS:**

The Department of Fish and Game recommends eliminating the report as this program is no longer being funded (The program was funded by Proposition 84 bond money).

## REPORT NO. 12

### FISH & GAME CODE

#### DIVISION 4. BIRDS AND MAMMALS [3000. - 4904.]

*( Division 4 enacted by Stats. 1957, Ch. 456. )*

#### PART 1. PROVISIONS GENERALLY APPLICABLE TO BOTH [3000. - 3472.2.]

*( Part 1 enacted by Stats. 1957, Ch. 456. )*

#### CHAPTER 2. Commercial Activities [3200. - 3472.2.]

*( Chapter 2 enacted by Stats. 1957, Ch. 456. )*

#### ARTICLE 5. Enhancement and Management of Fish and Wildlife and their Habitat on Private Lands [3400. - 3409.]

*( Heading of Article 5 amended by Stats. 1992, Ch. 818, Sec. 1. )*

#### 3409.

The department shall report every three years on the wildlife habitat enhancement and management program conducted pursuant to this article. The report shall include a listing of landholders participating in the wildlife habitat enhancement and management program, the wildlife habitat enhancement and management activities undertaken, the wildlife species managed, and harvest data. The report shall be submitted to the Speaker of the Assembly, the Chairperson of the Senate Committee on Rules, and the chairpersons of the policy committees in each house that have jurisdiction over the subject of this article. The report shall also be made available to the public upon request.

*(Amended by Stats. 2001, Ch. 745, Sec. 53. Effective October 12, 2001.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-1191	Speier	State and local reporting requirements.	Chaptered 10/12/2001	10/12/2001 - Chaptered by Secretary of State. Chapter 745, Statutes of 2001.	-		
SB-1964		Wildlife habitat enhancement and management.	Chaptered 09/22/1992		-		

#### COMMENTS/RECOMMENDATIONS:

According to the Department of Fish and Game, the department has insufficient funding and staff to collect and assess the information required in this report.



## **REPORT NO. 13**

### **FISH & GAME CODE**

#### **DIVISION 6. FISH [5500. - 9101.]**

*( Division 6 enacted by Stats. 1957, Ch. 456. )*

#### **PART 3. COMMERCIAL FISHING [7600. - 9101.]**

*( Part 3 enacted by Stats. 1957, Ch. 456. )*

#### **CHAPTER 1. Generally [7600. - 8126.]**

*( Chapter 1 enacted by Stats. 1957, Ch. 456. )*

#### **ARTICLE 3.5. Commercial Salmon Trollers Enhancement and Restoration Program [7860. - 7863.]**

*( Article 3.5 added by Stats. 1982, Ch. 184, Sec. 3. )*

#### **7862.**

A Commercial Salmon Trollers Advisory Committee shall be established consisting of six members selected by the director. One member shall be chosen from the personnel of the department. Four persons shall be selected, with alternates, from a list submitted by a fishermen's organization deemed to represent the commercial salmon fishermen of California. One member shall be selected, with an alternate, from lists submitted by individual commercial passenger fishing boat operators or by organizations deemed to represent the commercial passenger fishing boat operators of California. The term of appointment to the committee shall be for two years. Necessary and proper expenses, if any, and per diem shall be paid committee members from the special account created pursuant to subdivision (a) of Section 7861. The rate of per diem shall be the same as the rate established pursuant to Section 8902 of the Government Code.

The committee shall recommend programs and a budget from the special account to the department. The department shall review the programs and the budget and shall include its recommendations regarding these items in the Governor's Budget and submit to the Legislature an annual report on the sale of commercial fishing salmon stamps, the expenditure of funds, and a status report of the programs funded pursuant to Section 7861. The department shall not recommend funding for any program not contained in the committee's recommendations.

*[\(Amended by Stats. 1987, Ch. 702, Sec. 7. Effective September 18, 1987. Repealed as of January 1, 2014, pursuant to Section 7863.\)](#)*

### **COMMENTS/RECOMMENDATIONS:**

According to the Department of Fish and Game, the department has insufficient funding and staff to collect and assess the information required in this report.

## **REPORT NO. 14**

### **FISH & GAME CODE**

#### **DIVISION 3. FISH AND GAME GENERALLY [2000. - 2947.]**

*( Division 3 enacted by Stats. 1957, Ch. 456. )*

#### **CHAPTER 1.5. Endangered Species [2050. - 2115.5.]**

*( Chapter 1.5 repealed and added by Stats. 1984, Ch. 1240, Sec. 2. )*

#### **ARTICLE 2. Listing of Endangered Species [2070. - 2079.]**

*( Article 2 added by Stats. 1984, Ch. 1240, Sec. 2. )*

### **2079.**

The department shall, by January 30 of every third year, beginning January 30, 1986, prepare a report summarizing the status of all state listed endangered, threatened, and candidate species, and shall submit the report to the commission, the Legislature, the Governor, and all individuals who have notified the commission, in writing with their address, of their interest. This report shall include, but not be limited to, a listing of those species designated as endangered, threatened, and candidate species, a discussion of the current status of endangered, threatened, or candidate species, and the timeframes for the review of listed species pursuant to this article.

*(Amended by Stats. 2001, Ch. 745, Sec. 50. Effective October 12, 2001.)*

### **COMMENTS/RECOMMENDATIONS:**

According to the Department of Fish and Game, this information is available on their website, which is updated more frequently than this report is required. The Legislature may wish to require the Department to post this information on their website.

## REPORT NO. 15

### FISH & GAME CODE

#### DIVISION 2. DEPARTMENT OF FISH AND GAME [700. - 1940.]

*( Division 2 enacted by Stats. 1957, Ch. 456. )*

#### CHAPTER 9. Wetlands Mitigation Banking [1850. - 1852.]

*( Chapter 9 added by Stats. 2000, Ch. 950, Sec. 1. )*

#### ARTICLE 1. General Provisions [1850. - 1852.]

*( Article 1 added by Stats. 2000, Ch. 950, Sec. 1. )*

1851.

On or before January 1, 2002, and biennially thereafter, the department shall review the data base and the data catalog described in Section 1850, and shall provide a report to the Legislature with a description and the status of each existing wetlands mitigation bank site in operation as of January 1, 2001, and each mitigation bank site approved thereafter. The report shall include, but not be limited to, all of the following information:

- (a) The name, address, and telephone number of the person or agency who created the wetlands mitigation bank site.
- (b) The name, address, and telephone number of the wetlands mitigation bank operator and the address or other appropriate physical description of the location of the wetlands mitigation bank site.
- (c) The date the wetlands mitigation bank site was created.
- (d) A description of the wetlands mitigation bank site's service area.
- (e) A description of existing habitat functions at the wetlands mitigation bank site prior to its development as a wetlands mitigation bank site.
- (f) The type of financial assurances secured by the wetlands mitigation bank operator to ensure management of the wetlands mitigation bank site in perpetuity.
- (g) Whether goals were established for the wetlands mitigation bank site and what percentage of those goals have been achieved.
- (h) Utilizing existing information compiled by the United States Army Corps of Engineers or other federal agencies, the number of wetlands acres and habitat functions created at the bank site.
- (i) The number of credits issued and to whom.
- (j) An assessment of the biological productivity of the created wetlands.
- (k) Utilizing existing information that is publicly available within the records of state or federal agencies, a comparison of the wetlands acreage and habitat functions that were created at the bank site and those that were lost as a result of the permitted projects for which credits were obtained.

*(Added by Stats. 2000, Ch. 950, Sec. 1. Effective January 1, 2001.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-642	Lempert	Wetlands mitigation banking.	Chaptered 09/30/2000	09/30/2000 - Chaptered by Secretary of State - Chapter 950, Statutes of 2000.	-		

**COMMENTS/RECOMMENDATIONS:** According to the Department of Fish and Game, the department has insufficient funding and staff to collect and assess the information required in this report and some of this information is available on their website.

**REPORT NO. 16**

**FISH & GAME CODE**

**DIVISION 2. DEPARTMENT OF FISH AND GAME [700. - 1940.]**

*( Division 2 enacted by Stats. 1957, Ch. 456. )*

**CHAPTER 7.2. Trust Management [1725. - 1728.]**

*( Chapter 7.2 added by Stats. 1979, Ch. 847. )*

1727.

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

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

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

(d) The commission shall in January of each year submit a report to the Legislature regarding progress in implementing this chapter. In that report, the commission shall state its reasons why any stream or lake listed by the department as suitable for consideration as a wild trout water was or was not included in the program. The commission shall also state its reasons for removing and replacing any waters within the program.

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

*(Amended by Stats. 2007, Ch. 432, Sec. 3. Effective January 1, 2008.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
SB-384	Cogdill	Wild trout.	Chaptered 10/10/2007	10/10/2007 - Chaptered by Secretary of State. Chapter 432, Statutes of 2007.	Secretary of State-Chaptered	Yes	Majority
SB-1148	Pavley	Fish and Game Commission: Department of Fish and Game.	Amended Assembly 06/21/2012	07/03/2012 - From committee: Do pass and refer to Com. on APPR. (Ayes 8. Noes 2.) (June 26). Re-referred to Com. on APPR.	Assembly-In Committee Process - Appropriations	Yes	Majority

**COMMENTS/RECOMMENDATIONS:** According to the Department of Fish and Game, the report is duplicative of a requirement in Section 13007 of the Fish and Game Code.

**REPORT NO. 17**

**FISH & GAME CODE – FGC**

**DIVISION 4. BIRDS AND MAMMALS [3000. - 4904.]**

*( Division 4 enacted by Stats. 1957, Ch. 456. )*

**PART 2. BIRDS [3500. - 3864.]**

*( Part 2 enacted by Stats. 1957, Ch. 456. )*

**CHAPTER 5. Avian Influenza Wildlife Surveillance Act [3860. - 3864.]**

*( Chapter 5 added by Stats. 2006, Ch. 708, Sec. 1. )*

**3864.**

On or before October 1, 2006, the director shall submit a status report, and on or before July 1, 2007, the director shall compile and submit an updated report, on the development and implementation of an avian influenza detection and response plan for wild birds in the state. These reports shall be submitted to the Legislature, the Chair of the Assembly Committee on Water, Parks and Wildlife, and the Chair of the Senate Committee on Natural Resources and Water.

*(Added by Stats. 2006, Ch. 708, Sec. 1. Effective September 29, 2006.)*

Bill	Lead Authors	Subject	Latest Bill Version	Last History Action	Status	Fiscal Committee	Vote Required
AB-874	Wolk	Avian influenza wildlife surveillance.	Chaptered 09/29/2006	09/29/2006 - Chaptered by Secretary of State - Chapter 708, Statutes of 2006. 09/29/2006 - Approved by the Governor.	-	Yes	Two Thirds

**COMMENTS/RECOMMENDATIONS:**

According to the Department of Fish and Game, this requirement is obsolete.