

AMENDED IN ASSEMBLY JUNE 21, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MARCH 29, 2012

SENATE BILL

No. 1148

Introduced by Senator Pavley

February 21, 2012

An act to amend Sections 711, 713, 714, 1050, 1609, 1726, 1726.4, 1727, 2014, 2860, 2861, 3031, 4006, 6596, 6596.1, 7149, and 7149.05, 7260, 7852, 7881, 8032, 12000, and 13007 of, and to add Sections 711.1 and 711.5 1726.1, 1729, 1730, and 2864 to, to add Chapter 7.9 (commencing with Section 1797) to Division 2 of, and to repeal and add Section 1728 of, the Fish and Game Code, and to amend Section 65042 of the Government Code, relating to fish and wildlife resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1148, as amended, Pavley. Fish and Game Commission: Department of Fish and Game.

(1) The Sacramento-San Joaquin Valley Wetlands Mitigation Bank Act of 1993 provides for the establishment of wetlands mitigation bank sites to increase the total wetlands acreage and values within the Sacramento-San Joaquin Valley.

This bill would *provide that no conservation bank, mitigation bank, or conservation and mitigation bank is operative, vested, or final, nor bank credits issued, until the Department of Fish and Game has approved the bank in writing and a conservation easement has been recorded on the site. This bill would require the Department of Fish and Game to establish prescribed fees for existing and new conservation or mitigation banks, to be set in an amount necessary to pay costs*

~~incurred by the department in providing conservation and mitigation banking program services~~ *department to follow certain procedures and authorize the department to charge and adjust specified fees to cover the reasonable costs of the department reviewing various documents when a person is interested in establishing a bank.* The bill would require the department to deposit revenues of those fees in a separate dedicated account within the Fish and Game Preservation Fund.

~~The bill would require the department to ensure on an ongoing basis that accurate information about mitigation and conservation banks, as prescribed,~~ *is establish and maintain a database that includes certain information about banks and to make this data available on its Internet Web site or an appropriate federal or state agency designated Internet Web site that is linked to the department's Internet Web site.*

This bill would also permit the department to adopt and amend guidelines and criteria to amend provisions relating to the department's review of a bank. This bill would provide that failure to pay a fee pursuant to these provisions is not a crime.

(2) Under existing law, the changes in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services is used as the index to determine an annual rate of increase or decrease in the fees for hunting and fishing licenses, stamps, permits, and tags. Under existing law, the department issues lifetime sportsman's licenses, hunting licenses, sport fishing ocean enhancement stamps, commercial fishing ocean enhancement stamps, commercial fishing ocean enhancement validations, *commercial fishing licenses, commercial fish business licenses, commercial boat registrations, sport fishing ocean enhancement validations, trapping licenses,* and sport fishing licenses, and existing law establishes base fees for those entitlements, adjusted annually pursuant to the index.

~~This bill would require the Fish and Game Commission to establish~~ *adjust the base fees for lifetime sportsman's licenses, hunting licenses, sport fishing ocean enhancement stamps and validations, commercial fishing ocean enhancement stamps and validations, commercial fishing licenses, commercial fish business licenses, commercial boat registrations, trapping licenses,* and sport fishing licenses ~~for the 2013 license year, and would require those fees to be adjusted annually thereafter according to the index. The bill would require the commission to issue lifetime sportsman's licenses,~~ *as necessary, to fully recover, but not exceed, all reasonable administrative and implementation costs of the department and the commission relating to those licenses. This*

bill would require whenever a fee is not specified or the adjustment of a fee is not specified for the issuance of any license, tag, permit, application, reservation, or other entitlement that the commission may establish a fee or the amount of the fee by regulation, as prescribed. This bill would also authorize the department to establish fees and to adjust statutorily imposed fees by regulation for certain filings, permits, determinations, or other department actions.

Existing law requires a governmental agency or public utility that proposes a project that would divert, obstruct, or change the natural flow of, or result in the disposal of debris in, a river, stream, or lake designated by the department, to submit prescribed plans and other information to the department, and to follow prescribed procedures. Existing law authorizes the director of the department to establish a graduated schedule of fees that may be charged for administering and enforcing the process, and limits the amount of the fee charged for any agreement to \$5,000.

This bill would instead authorize the department to establish a graduated schedule of fees and limit the amount of the fee charged to \$5,000 for any single project. This bill would require the department to annually adjust the fees pursuant to the index.

(3) Existing law relating to the Office of Planning and Research requires every officer, agency, department, or instrumentality of state government to cooperate in the preparation and maintenance of the State Environmental Goals and Policy Report and to ensure that their entity's functional plan is consistent with specified state planning priorities and annually demonstrate, when requesting infrastructure as specified, how the plans are consistent with those priorities. Existing law requires those entities to comply with any request for advice, assistance, information, or other material.

This bill would specify that the subject entities include certain trustee agencies.

(4) *Existing law establishes the policy of the state to conserve its natural resources and to prevent the willful or negligent destruction of birds, mammals, fish, reptiles, or amphibia. Existing law authorizes the state to recover damages in a civil action against any person or local agency which unlawfully or negligently takes or destroys any bird, mammal, fish, reptile, or amphibian protected by state law.*

This bill would permit those acting as trustees for fish and wildlife to recover damages in a civil action described above. This bill would provide that if after reasonable notice of not less than 60 days the

department fails to act in its statutory role as parens patriae for fish and wildlife, a trustee with standing to protect fish and wildlife is permitted to bring an action, as specified.

(5) Existing law, except as expressly provided otherwise, makes violations of the Fish and Game Code, or of any rule, regulation, or order made or adopted under that code, a misdemeanor. Existing law sets prescribed fines and penalties for specified violations.

This bill would provide that, except as expressly provided otherwise, a violation of the Fish and Game Code, or of any rule, regulation, or order made or adopted under that code is a strict liability offense. By changing the definition of a crime, this bill would impose a state-mandated local program.

(6) Existing law, the Marine Life Protection Act, requires the commission to adopt a master plan that guides the adoption and implementation of the Marine Life Protection Program and authorizes the commission to regulate commercial and recreational fishing and any other taking of marine species in marine protected areas (MPAs). Existing law prohibits the taking of a marine species in a marine life reserve except as authorized by the commission for scientific purposes, subject to specified provisions.

This bill would instead provide that the department is authorized to regulate commercial and recreational fishing in an MPA and the taking of marine species in marine life reserve.

The Marine Life Protection Act also requires the commission to receive, consider, and promptly act upon petitions from any interested party to add, delete, or modify MPAs, as prescribed.

This bill would instead provide that the department is to receive, consider, and promptly act upon these petitions. This bill would require the department to establish a process for external peer review of the scientific basis for proposed changes to an MPA. This bill would also require the department to convene a siting workshop in the biogeographical region of the proposed MPA change composed of interested parties to review the alternatives for MPA modification and to provide advice on a recommended action on a proposed modification of an MPA.

This bill would require the department, every 7 years, to conduct a review of the effectiveness of the statewide MPA network as a whole in achieving the goals of the act and would require the department to report the results and any proposals for changes to the Secretary for Natural Resources, as specified.

(7) Existing law, the Trout and Steelhead Conservation and Management Planning Act of 1979, requires the department to determine whether a stream or lake should be managed as a wild trout fishery, or whether its management should involve the planting of native trout species to supplement wild trout populations. Existing law requires the commission to develop additional wild trout waters. Existing law requires the department to prepare a list each year of no less than 25 miles of stream or stream segments and at least one lake that it deems suitable for consideration as wild trout waters and to submit this list to the commission. The commission is required to annually submit a report to the Legislature that includes its reasons why any stream or lake listed by the department was or was not included in the program. Existing law requires the department to prepare and complete management plans for all wild trout waters not more than 3 years following their initial designation by the commission, and to update the management plan every 5 years following completion of the initial management plan.

This bill would revise the findings and declarations of the act. This bill would require specified inventories prepared for each stream, stream system, or lake, to be maintained and continuously revised, with the goal of reviewing every watershed once per decade, and to be publicly available on the department's Internet Web site. This bill would instead require the commission to report to the Legislature regarding progress in implementing the wild trout program on even-numbered years and would require the report to be publicly available on the department's Internet Web site.

This bill would require the department every 5 years to update the specified Strategic Plan for Trout Management as necessary to guide the state's trout management. This bill would require the department to prepare and complete trout management plans consistent with the Strategic Plan for Trout Management for all wild trout waters, as prescribed, and to make the Strategic Plan for Trout Management and the trout management plans publicly available on the department's Internet Web site.

This bill would provide that priority is required to be given to stocking native hatchery-produced species in California's waters where stocking is determined to be appropriate by the department. This bill would require certain hatchery-produced fish to be marked whenever feasible and would require, with a specified exception, all hatchery-produced fish stocked in California's waters to be sterile. This bill would authorize

the department to provide specified outreach to anglers to promote awareness, would authorize the department to develop, conduct, and respond to angler preference and satisfaction surveys, and would encourage educational programs utilizing the hatcheries. This bill would require angling regulations to be reviewed periodically and adjusted to ensure consistency with the Strategic Plan for Trout Management.

This bill would establish the Hatchery Independent Science Advisory Panel consisting of 5 members who are prominent scientists with appropriate expertise appointed by the Governor generally for terms of 5 years. This bill would specify the mission of the panel and would require the panel to provide certain recommendations by January 1, 2015. This bill would require the panel to submit to the director of the department an annual report of the panel's research and recommendations. This bill would also require the department to respond to all of the panel's comments publicly.

Existing law requires 33 1/3 % of the fees derived from the issuance of sport fishing licenses, with certain exceptions, to be deposited into the Hatchery and Inland Fisheries Fund within the State Treasury. Moneys in the fund may be expended, upon appropriation, in support of Department of Fish and Game programs related to the management, maintenance, and capital improvement of California's fish hatcheries, the Heritage and Wild Trout Program, enforcement activities, and other activities eligible to be funded from revenue generated by sport fishing license fees. Existing law requires that those fund moneys be used for specified purposes, including the attainment of prescribed fish production and release goals for state hatcheries.

This bill would instead provide that moneys in the fund, upon appropriation, are for the purposes of promoting angling opportunities and the conservation of wild and native trout, and ensuring thriving self-sustaining native trout populations throughout their historic ranges. This bill would provide the fees be used for the purposes of attaining a specified hatchery production goal, the Heritage and Wild Trout Program, the development of trout management plans, and staffing, as specified. This bill would permit the department to obtain hatchery-produced fish from privately owned hatcheries located in the state to supplement its own hatchery production if prescribed criteria are satisfied. This bill would require the department, by July 1, 2014, and annually thereafter, to report to the fiscal and policy committees in the Legislature on the implementation of these provisions. This bill

would also provide that funding for “Heritage Trout Waters” is a priority for the fund.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:
2 (a) ~~The department and other state entities have authorized~~
3 ~~private and public conservation and mitigation banks to serve an~~
4 ~~important function of managing the mitigation provided by private~~
5 ~~applicants when aquatic or terrestrial mitigation is required as a~~
6 ~~condition of a permit from a public agency. Conservation and~~
7 ~~mitigation banks provide parcels of land that provide habitat for~~
8 ~~specified species. The banks offer credits to those with a mitigation~~
9 ~~responsibility associated with a permit granted by a public agency~~
10 ~~that requires compensation for impacts to wetlands, threatened or~~
11 ~~endangered species, and other sensitive resources. The California~~
12 ~~policy on conservation banks was established in 1995 by the~~
13 ~~Natural Resources Agency and the California Environmental~~
14 ~~Protection Agency. Other mitigation banking policies have been~~
15 ~~entered into by and between state agencies and federal wildlife~~
16 ~~agencies including the United States Fish and Wildlife Service,~~
17 ~~the United States Army Corps of Engineers, and the United States~~
18 ~~Environmental Protection Agency.~~
19 (b) ~~The Department of Fish and Game has properly excluded~~
20 ~~from mitigation and conservation banks those lands that do not~~
21 ~~support significant biological resources or that cannot sustain their~~
22 ~~biological viability. The department has also excluded other lands~~
23 ~~from eligibility as mitigation banks, including, but not limited to,~~
24 ~~lands that are themselves mitigation for previous projects, lands~~
25 ~~designated as parks or open space or set aside by a legal settlement,~~
26 ~~and lands acquired by a public entity.~~

1 ~~(e) Greater transparency of mitigation and conservation banks~~
2 ~~is required to ensure that the mitigation requirements of affected~~
3 ~~regulatory programs and permitting decisions are fully met and~~
4 ~~that the accounting mechanisms used by mitigation banks to~~
5 ~~provide for species are scientifically valid with appropriate public~~
6 ~~oversight. The private and public mitigation banks or the private~~
7 ~~and public entities to whom credits are sold should fully fund the~~
8 ~~administrative and regulatory costs of the Department of Fish and~~
9 ~~Game or other public agencies relating to the provision of banks.~~

10 ~~(d) The Department of Fish and Game has found that the~~
11 ~~establishment and use of conservation and mitigation banks may~~
12 ~~result in added ecological benefits and reduced administrative costs~~
13 ~~over the more traditional forms of smaller, single-purpose~~
14 ~~mitigation projects.~~

15 ~~SEC. 2.~~

16 *SECTION 1.* The Legislature further finds and declares the
17 following:

18 (a) In 2010, the Legislature passed and the Governor signed
19 Assembly Bill 2376, which established a process to develop a
20 strategic vision for the Department of Fish and Game and the Fish
21 and Game Commission.

22 (b) Pursuant to Assembly Bill 2376, the Natural Resources
23 Agency appointed an executive committee, a blue ribbon
24 commission, and a broad-based stakeholder group, and established
25 a public process that is focused on improving and enhancing the
26 capacity of both the department and the commission to protect and
27 manage California's fish and wildlife.

28 (c) All groups and individuals with an interest in improving the
29 work of the department and the commission have been invited to
30 participate in the stakeholder group process. Numerous public
31 meetings have been held and extensive information on the process
32 and the comments received to date are available on the Internet
33 Web site of the Department of Fish and Game.

34 (d) The policy chairs in their respective houses of committees
35 with subject matter jurisdiction will cooperate with proposed
36 legislation that will address many of the draft recommendations
37 of the California Fish and Wildlife Strategic Vision and other
38 reforms necessary to satisfy the mandate of Assembly Bill 2376.
39 Some of the content of the proposed legislation reflects suggestions
40 contained in the draft interim strategic vision report released by

1 the department and the commission on November 22, 2011. Each
2 bill may be amended from time to time to reflect additional
3 recommendations.

4 (e) It is the intent of the Legislature to focus more of the work
5 of the commission on the implementation of the state’s hunting
6 and fishing and other wildlife-related regulations and the
7 professional administration of those laws. Several fees related to
8 hunting and fishing should therefore be reassigned from the
9 department to the commission. It is also the intent of the Legislature
10 to enhance the ability of the department to focus on the
11 management and administration of its lands, its enforcement
12 responsibilities, the conservation programs entrusted to it, and
13 enhancing the scientific basis of conservation decisions made in
14 California.

15 ~~SEC. 3.~~

16 *SEC. 2.* Section 711 of the Fish and Game Code is amended
17 to read:

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

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

26 (2) The costs of commercial fishing programs shall be provided
27 out of revenues from commercial fishing taxes, license fees, and
28 other revenues, from reimbursements and federal funds received
29 for commercial fishing programs, and other funds appropriated by
30 the Legislature for this purpose.

31 (3) The costs of hunting and sportfishing programs shall be
32 provided out of hunting and sportfishing revenues and
33 reimbursements and federal funds received for hunting and
34 sportfishing programs, and other funds appropriated by the
35 Legislature for this purpose. These revenues, reimbursements, and
36 federal funds shall not be used to support commercial fishing
37 programs, free hunting and fishing license programs, or nongame
38 fish and wildlife programs.

39 (4) The costs of managing lands managed by the department
40 and the costs of wildlife management programs shall be

1 supplemented out of revenues in the Native Species Conservation
2 and Enhancement Account in the Fish and Game Preservation
3 Fund.

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

13 (6) The costs of a conservation and mitigation banking program,
14 including, but not limited to, costs incurred by the department
15 during its review, approval, establishment, monitoring, and
16 oversight of banks, shall be reimbursed from revenues of
17 conservation and mitigation bank application fees imposed pursuant
18 to Section 711.5.

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

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

31 ~~SEC. 4. Section 711.1 is added to the Fish and Game Code, to~~
32 ~~read:~~

33 ~~711.1. The department shall ensure on an ongoing basis that~~
34 ~~accurate information about mitigation and conservation banks is~~
35 ~~available on its Internet Web site or an appropriate federal or state~~
36 ~~agency designated Internet Web site that is linked to the~~
37 ~~department's Internet Web site. The available information shall~~
38 ~~include, but not be limited to, the total credits available from the~~
39 ~~bank, the total credits available when the bank was created, the~~
40 ~~amount of current available credits per species and habitat type,~~

1 the amount of current credits withdrawn per species and habitat
2 type, the balance of credits available per species and habitat type,
3 a specific description of the credits that have been awarded and
4 for what species or purpose, the status of the species and habitat
5 at the mitigation or conservation bank, the bank's long-term
6 management plans, and the complete annual monitoring reports
7 required by departmental policy.

8 SEC. 5. ~~Section 711.5 is added to the Fish and Game Code, to~~
9 ~~read:~~

10 ~~711.5. (a) As used in this section:~~

11 ~~(1) "Conservation bank" means a publicly or privately owned~~
12 ~~and operated site on which habitat for threatened, endangered, or~~
13 ~~other special status species has been, or will be, established to do~~
14 ~~any of the following:~~

15 ~~(A) Compensate for take or other adverse impacts caused by~~
16 ~~activities authorized pursuant to Chapter 1.5 (commencing with~~
17 ~~Section 2050) of Division 3.~~

18 ~~(B) Reduce, to less than substantial, impacts to fish or wildlife~~
19 ~~resources caused by activities authorized pursuant to Section 1602.~~

20 ~~(C) Compensate for impacts to the environment pursuant to the~~
21 ~~California Environmental Quality Act (Division 13 (commencing~~
22 ~~with Section 21000) of the Public Resources Code).~~

23 ~~(D) Establish mitigation in advance of adverse impacts.~~

24 ~~(2) "Mitigation bank" has the same meaning as "bank site" or~~
25 ~~"mitigation bank site," as defined in Section 1777.2.~~

26 ~~(b) (1) The department shall establish a fee to be charged to~~
27 ~~any entity applying to the department to establish a conservation~~
28 ~~bank or mitigation bank as described in subdivision (a), including,~~
29 ~~but not limited to, a mitigation bank pursuant to Chapter 7.8~~
30 ~~(commencing with Section 1775), to be set in an amount necessary~~
31 ~~to pay costs incurred by the department in providing conservation~~
32 ~~and mitigation banking program services to the applicant,~~
33 ~~including, but not limited to, bank review, approval, establishment,~~
34 ~~monitoring, and oversight.~~

35 ~~(2) The department shall also establish a fee to be charged to~~
36 ~~all entities participating in a conservation or mitigation bank as of~~
37 ~~January 1, 2013, to be set in an amount necessary to pay costs~~
38 ~~incurred by the department in providing conservation and~~
39 ~~mitigation banking program services to the bank, including, but~~
40 ~~not limited to, bank monitoring and oversight.~~

1 ~~(3) The department may adjust the fees in paragraphs (1) and~~
 2 ~~(2) pursuant to subdivision (c) of Section 713. The department shall~~
 3 ~~deposit revenues of fees imposed pursuant to this section in a~~
 4 ~~separate dedicated account within the Fish and Game Preservation~~
 5 ~~Fund.~~

6 ~~(e) The fee imposed in paragraph (1) of subdivision (b) shall~~
 7 ~~apply to all new bank applications, including, but not limited to,~~
 8 ~~draft and final prospectuses, agreements, instruments, and~~
 9 ~~amendments if the department is not already signatory to the bank.~~

10 ~~(d) The department may adopt regulations to administer the fees~~
 11 ~~in subdivision (b).~~

12 ~~(e) A conservation bank or a mitigation bank shall not be~~
 13 ~~operative, vested, or final, and bank credits shall not be issued,~~
 14 ~~until the applicable fee imposed pursuant to this section is paid to~~
 15 ~~the department.~~

16 ~~SEC. 6.~~

17 ~~SEC. 3.~~ Section 713 of the Fish and Game Code is amended
 18 to read:

19 713. (a) The changes in the Implicit Price Deflator for State
 20 and Local Government Purchases of Goods and Services, as
 21 published by the United States Department of Commerce, shall
 22 be used as the index to determine an annual rate of increase or
 23 decrease in the fees for licenses, stamps, permits, tags, or other
 24 entitlements issued by the department.

25 (b) (1) The department shall determine the change in the
 26 Implicit Price Deflator for State and Local Government Purchases
 27 of Goods and Services, as published by the United States
 28 Department of Commerce, for the quarter ending March 31 of the
 29 current year compared to the quarter ending March 31 of the
 30 previous year. The relative amount of the change shall be
 31 multiplied by the current fee for each license, stamp, permit, tag,
 32 or other entitlement issued by the department.

33 (2) The product shall be rounded to the nearest twenty-five cents
 34 (\$0.25), and the resulting amount shall be added to the fee for the
 35 current year. The resulting amount shall be the fee for the license
 36 year beginning on or after January 1 of the next succeeding
 37 calendar year for the license, stamp, permit, tag, or other
 38 entitlement that is adjusted under this section.

39 (c) Notwithstanding any other provision of law, the department
 40 may recalculate the current fees charged for each license, stamp,

1 permit, tag, or other entitlement issued by the department, to
2 determine that all appropriate indexing has been included in the
3 current fees. This section shall apply to all licenses, stamps,
4 permits, tags, or other entitlements, that have not been increased
5 each year since the base year of the 1985–86 fiscal year.

6 (d) The commission, with respect to any license, stamp, permit,
7 tag, or other entitlement issued by the commission shall comply
8 with subdivisions (a) to (c), inclusive.

9 (e) The calculations provided for in this section shall be reported
10 to the Legislature with the Governor’s Budget Bill.

11 (f) The Legislature finds that all revenues generated by fees for
12 licenses, stamps, permits, tags, and other entitlements, computed
13 under this section and used for the purposes for which they were
14 imposed, are not subject to Article XIII B of the California
15 Constitution.

16 (g) The department and the commission shall, at least every five
17 years, analyze all fees for licenses, stamps, permits, tags, and other
18 entitlements issued by it to ensure the appropriate fee amount is
19 charged. Where appropriate, the department shall recommend to
20 the Legislature or the commission that fees established by the
21 commission or the Legislature be adjusted to ensure that those fees
22 are appropriate.

23 ~~SEC. 7. Section 714 of the Fish and Game Code is amended~~
24 ~~to read:~~

25 ~~714. (a) The commission shall issue lifetime sportsman’s~~
26 ~~licenses pursuant to this section. A lifetime sportsman’s license~~
27 ~~authorizes the taking of birds, mammals, fish, reptiles, or amphibia~~
28 ~~anywhere in this state in accordance with law for purposes other~~
29 ~~than profit for the life of the person to whom issued unless revoked~~
30 ~~for a violation of this code or regulations adopted pursuant to this~~
31 ~~code. A lifetime sportsman’s license is not transferable. A lifetime~~
32 ~~sportsman’s license does not include any special tags, stamps, or~~
33 ~~other entitlements.~~

34 ~~(b) A lifetime sportsman’s license may be issued to residents,~~
35 ~~as follows:~~

36 ~~(1) To a person 62 years of age or over upon payment of a base~~
37 ~~fee as determined pursuant to subdivision (g).~~

38 ~~(2) To a person 40 years of age or over and less than 62 years~~
39 ~~of age upon payment of a base fee as determined pursuant to~~
40 ~~subdivision (g).~~

1 ~~(3) To a person 10 years of age or over and less than 40 years~~
2 ~~of age upon payment of a base fee as determined pursuant to~~
3 ~~subdivision (g).~~

4 ~~(4) To a person less than 10 years of age upon payment of a~~
5 ~~base fee as determined pursuant to subdivision (g).~~

6 ~~(e) This section does not require a person less than 16 years of~~
7 ~~age to obtain a license to take fish, reptiles, or amphibians for~~
8 ~~purposes other than profit or to obtain a license to take birds or~~
9 ~~mammals, except as required by law.~~

10 ~~(d) This section does not exempt an applicant for a license from~~
11 ~~meeting other qualifications or requirements otherwise established~~
12 ~~by law for the privilege of sport hunting or sport fishing.~~

13 ~~(e) Upon payment of a base fee as determined pursuant to~~
14 ~~subdivision (g), a person holding a lifetime hunting license or~~
15 ~~lifetime sportsman's license shall be issued annually one deer tag~~
16 ~~application pursuant to subdivision (a) of Section 4332 and five~~
17 ~~wild pig tags issued pursuant to Section 4654. Lifetime privileges~~
18 ~~issued pursuant to this subdivision are not transferable.~~

19 ~~(f) Upon payment of a base fee as determined pursuant to~~
20 ~~subdivision (g), a person holding a lifetime hunting license or~~
21 ~~lifetime sportsman's license shall be entitled annually to the~~
22 ~~privileges afforded to a person holding a state duck stamp or~~
23 ~~validation issued pursuant to Section 3700 or 3700.1 and an upland~~
24 ~~game bird stamp or validation issued pursuant to Section 3682 or~~
25 ~~3682.1. Lifetime privileges issued pursuant to this subdivision are~~
26 ~~not transferable.~~

27 ~~(g) The commission shall establish base fees for lifetime~~
28 ~~sportsman's licenses described in this section in an amount~~
29 ~~sufficient to recover all reasonable administrative and~~
30 ~~implementation costs of the department and commission relating~~
31 ~~to those licenses. The base fees specified in this section are~~
32 ~~applicable commencing January 1, 2013, and shall be adjusted~~
33 ~~annually thereafter pursuant to Section 713.~~

34 *SEC. 4. Section 714 of the Fish and Game Code is amended*
35 *to read:*

36 714. (a) In addition to Section 3031, 3031.2, 7149, 7149.05,
37 or 7149.2 and notwithstanding Section 3037, the department shall
38 issue lifetime sportsman's licenses pursuant to this section. A
39 lifetime sportsman's license authorizes the taking of birds,
40 mammals, fish, reptiles, or amphibia anywhere in this state in

1 accordance with law for purposes other than profit for the life of
2 the person to whom issued unless revoked for a violation of this
3 code or regulations adopted pursuant to this code. A lifetime
4 sportsman's license is not transferable. A lifetime sportsman's
5 license does not include any special tags, stamps, or other
6 entitlements.

7 (b) A lifetime sportsman's license may be issued to residents,
8 as follows:

9 (1) To a person 62 years of age or over upon payment of a base
10 fee of seven hundred thirty dollars (\$730).

11 (2) To a person 40 years of age or over and less than 62 years
12 of age upon payment of a base fee of one thousand eighty dollars
13 (\$1,080).

14 (3) To a person 10 years of age or over and less than 40 years
15 of age upon payment of a base fee of one thousand two hundred
16 dollars (\$1,200).

17 (4) To a person less than 10 years of age upon payment of a
18 base fee of seven hundred thirty dollars (\$730).

19 (c) This section does not require a person less than 16 years of
20 age to obtain a license to take fish, reptiles, or amphibia for
21 purposes other than profit or to obtain a license to take birds or
22 mammals, except as required by law.

23 (d) This section does not exempt an applicant for a license from
24 meeting other qualifications or requirements otherwise established
25 by law for the privilege of sport hunting or sport fishing.

26 (e) Upon payment of a base fee of four hundred forty-five dollars
27 (\$445), a person holding a lifetime hunting license or lifetime
28 sportsman's license shall be issued annually one deer tag
29 application pursuant to subdivision (a) of Section 4332 and five
30 wild pig tags issued pursuant to Section 4654. Lifetime privileges
31 issued pursuant to this subdivision are not transferable.

32 (f) Upon payment of a base fee of two hundred ten dollars
33 (\$210), a person holding a lifetime hunting license or lifetime
34 sportsman's license shall be entitled annually to the privileges
35 afforded to a person holding a state duck stamp or validation issued
36 pursuant to Section 3700 or 3700.1 and an upland game bird stamp
37 or validation issued pursuant to Section 3682 or 3682.1. Lifetime
38 privileges issued pursuant to this subdivision are not transferable.

1 (g) The base fees specified in this section are applicable
2 commencing January 1, 2004, and shall be adjusted annually
3 thereafter pursuant to Section 713.

4 (h) *The commission shall adjust the amount of the fees specified*
5 *in subdivision (g), as necessary, to fully recover, but not exceed,*
6 *all reasonable administrative implementation costs of the*
7 *department and the commission relating to those licenses.*

8 *SEC. 5. Section 1050 of the Fish and Game Code is amended*
9 *to read:*

10 1050. (a) All licenses, permits, tags reservations, and other
11 entitlements authorized by this code shall be prepared and issued
12 by the department.

13 (b) The commission shall determine the form of all licenses,
14 permits, tags, reservations, and other entitlements and the method
15 of carrying and displaying all licenses, and may require and
16 prescribe the form of applications therefor and the form of any
17 contrivance to be used in connection therewith, *except for those*
18 *programs where the department has fee-setting authority, in which*
19 *case the department shall retain that authority.*

20 (c) Whenever any provision of this code provides for a permit,
21 license, tag, reservation, application, or other entitlement, the
22 commission shall, in accordance with the provision, prescribe the
23 terms and conditions under which the permit, license, tag,
24 reservation, application, or other entitlement shall be issued and
25 ~~the issued,~~ *except for those programs where the department has*
26 *fee-setting authority, in which case the department shall retain*
27 *that authority. The department shall issue the permit, license, tag,*
28 *reservation, application, or other entitlement in accordance*
29 *therewith and with the applicable provisions of law.*

30 (d) ~~Whenever~~ *Except for fees set by the department pursuant*
31 *to subdivision (e), whenever this code does not specify whether a*
32 *fee is to be collected, or does not specify the amount of a fee to*
33 *be collected, or does not expressly prohibit the adjustment of*
34 *statutorily imposed fees by the commission by reference to this*
35 *section for the issuance of any license, tag, permit, application,*
36 *reservation, or other entitlement, the commission may establish a*
37 *fee or the amount thereof by regulation. The commission may also*
38 *provide for the change in the amount of the fee in accordance with*
39 *Section 713. However, no fee may exceed the reasonable costs*
40 *incurred by the department in implementing and administering the*

1 program or activity to which the license, tag, permit, application,
2 reservation, or other entitlement is related. Fees established by the
3 commission shall be in an amount sufficient to recover all
4 reasonable administrative and implementation costs of the
5 department and commission relating to the program with regard
6 to which the fee is paid. The commission may establish a fee
7 structure which provides for the phasing in of new fees leading up
8 to full cost recovery for the department and commission, provided
9 that full cost recovery is achieved within five years of the
10 establishment of the fee.

11 (e) The department may establish fees and may adjust statutorily
12 imposed fees by regulation for the filings, permits, determinations,
13 or other department actions described in Section 711.4, 1002, or
14 1609. The department also may provide for the change in the
15 amount of the fee in accordance with Section 713. Fees established
16 by the department shall be in an amount sufficient to recover all
17 reasonable administrative and implementation costs of the
18 department relating to the program with regard to which the fee
19 is paid. The department may establish a fee structure which
20 provides for the phasing in of new fees leading up to full cost
21 recovery for the department, provided that full cost recovery is
22 achieved within five years of the establishment of the fee.

23 (e)

24 (f) Whenever this code provides for a license, tag, permit,
25 reservation, or other entitlement, the commission or department,
26 as applicable, may establish a nonrefundable application fee, not
27 to exceed seven dollars and fifty cents (\$7.50) sufficient to pay
28 the department's costs for issuing the license, tag, permit,
29 reservation, or other entitlement and may adjust the application
30 fee in accordance with Section 713.

31 SEC. 6. Section 1609 of the Fish and Game Code is amended
32 to read:

33 1609. (a) The ~~director~~ department may establish a graduated
34 schedule of fees to be charged to any entity subject to this chapter.
35 The fees charged shall be established in an amount necessary to
36 pay the total costs incurred by the department in administering and
37 enforcing this chapter, including, but not limited to, preparing and
38 submitting agreements and conducting inspections. The department
39 may shall annually adjust the fees pursuant to Section 713. Fees

1 received pursuant to this section shall be deposited in the Fish and
2 Game Preservation Fund.

3 (b) (1) The fee schedule established pursuant to subdivision
4 (a) may not impose a fee that exceeds five thousand dollars
5 (\$5,000) for any ~~agreement~~ *single project*.

6 (2) The fee limitation described in paragraph (1) does not apply
7 to any agreement issued pursuant to subdivision (g) of Section
8 1605.

9 *SEC. 7. Section 1726 of the Fish and Game Code is amended*
10 *to read:*

11 1726. The Legislature hereby finds and declares that it is the
12 policy of the state to do all of the following:

13 (a) Establish and maintain wild trout stocks, *which, as possible,*
14 *should be native fish*, in suitable waters of the state that are readily
15 accessible to the general public as well as in those waters in remote
16 areas.

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

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

22 *SEC. 8. Section 1726.1 is added to the Fish and Game Code,*
23 *to read:*

24 *1726.1. The Legislature further finds and declares all of the*
25 *following:*

26 (a) *Hatchery production and stocking of California's waters*
27 *started over 140 years ago and is an enduring part of California's*
28 *history and attempts to steward its natural resources.*

29 (b) *Sustainable and adaptive management provides and*
30 *improves recreational angling opportunities while protecting and*
31 *maintaining native and wild trout fisheries, other species, and*
32 *their mutual habitat.*

33 (c) *Management of the genetic diversity of California's native*
34 *trout species is imperative.*

35 (d) *Habitat restoration and the protection of cold water*
36 *ecosystems are both of utmost importance to maintaining healthy*
37 *wild trout populations, ensuring and promoting angler*
38 *opportunities, and the sustainability of the inland trout fishery.*

39 (e) *The department shall seek to provide and enhance diverse*
40 *recreational angling opportunities in California.*

1 SEC. 9. Section 1726.4 of the Fish and Game Code is amended
2 to read:

3 ~~1726.4. (a) It is the intent of the Legislature that the~~
4 ~~1726.4. (a) For the purposes of this chapter, "trout" includes~~
5 ~~steelhead trout.~~

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

28 (b)

29 (c) This section does not provide any public entity or private
30 party with any new or additional authority to affect the management
31 of, or access to, any private land without the written consent of
32 the owner. Privately owned lakes and ponds not open to the use
33 of the general public shall be subject to the provisions of this
34 section only with the written consent of the owner. This chapter
35 shall not be construed as authorizing or requiring special treatment
36 of adjacent land areas or requiring land use restrictions. It is the
37 intent of the Legislature that this chapter should not diminish the
38 existing authority of the department, ~~nor should it interfere with~~
39 ~~the department's existing fisheries management planning process.~~

1 (d) *The inventory maintained pursuant to subdivision (b) shall*
2 *be publicly available on the department's Internet Web site and*
3 *shall be continuously revised with the goal of reviewing every*
4 *watershed once per decade.*

5 *SEC. 10. Section 1727 of the Fish and Game Code is amended*
6 *to read:*

7 1727. (a) In order to provide for a diversity of available angling
8 experiences throughout the state, it is the intent of the Legislature
9 that the commission maintain the existing wild trout program, and
10 as part of the program, develop additional wild trout waters in the
11 more than 20,000 miles of trout streams and approximately 5,000
12 lakes containing trout in California.

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

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

23 (d) The commission shall, in January of each *even-numbered*
24 year, submit a report to the Legislature regarding progress in
25 implementing *the wild trout program described in this chapter*. In
26 that report, the commission shall state its reasons why any stream
27 or lake listed by the department as suitable for consideration as a
28 wild trout water was or was not included in the program. The
29 commission shall also state its reasons for removing and replacing
30 any waters within the program. *The report shall be publicly*
31 *available on the department's Internet Web site.*

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

37 *SEC. 11. Section 1728 of the Fish and Game Code is repealed.*

38 ~~1728. For purposes of this chapter, "trout" includes steelhead~~
39 ~~trout.~~

1 *SEC. 12. Section 1728 is added to the Fish and Game Code,*
2 *to read:*

3 1728. (a) *Every five years the department shall update the*
4 *Strategic Plan for Trout Management published in November 2003*
5 *as necessary to guide the state's trout management.*

6 (b) *The Strategic Plan for Trout Management shall be intended*
7 *to ensure all of the following:*

8 (1) *Thriving and self-sustaining, wild and native trout*
9 *populations throughout their historic ranges.*

10 (2) *Providing and improving angling opportunities for wild and*
11 *native trout and other trout.*

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

13 (4) *Environmental sustainability and overall ecosystem and*
14 *watershed health.*

15 (c) *The Strategic Plan for Trout Management shall be guided*
16 *by all of the following considerations:*

17 (1) *Adaptively managing trout populations, including, but not*
18 *limited to, stocking practices, to establish thriving and*
19 *self-sustaining native and wild trout fisheries in wild trout waters*
20 *and, where possible, in other waters.*

21 (2) *Increasing angler satisfaction.*

22 (3) *Ensuring appropriate age distribution of wild trout when*
23 *appropriate.*

24 (4) *Establishing ecologically and environmentally sustainable*
25 *hatchery and stocking practices for native and wild trout,*
26 *including, but not limited to, the following:*

27 (A) *Hatchery and stocking practices consistent with this chapter.*

28 (B) *Stocking plans shall include consideration of angler*
29 *satisfaction and public use of, and access to, the waters for angling.*
30 *This may include, but is not limited to, harvest and catch rates,*
31 *including, but not limited to, trophy catch rates, the potential for*
32 *high angler satisfaction, and where appropriate, put and grow*
33 *stocking.*

34 (C) *Native trout shall be preferentially stocked when stocking*
35 *is employed.*

36 (D) *Designing stocking plans to maintain and optimize the*
37 *genetic diversity of trout populations and to be consistent with the*
38 *direction provided by the Hatchery Independent Science Panel.*

1 (E) Stocking plans for species listed in Section 7261 shall not
2 exceed the documented biological carrying capacity of the water
3 or ecosystem.

4 (5) Integrating stakeholder involvement into the planning
5 process.

6 (6) Monitoring and evaluating management processes through
7 angler surveys, public meetings coordinated with county fish and
8 game commissions, or by other means.

9 (d) The department shall prepare and complete trout
10 management plans consistent with the Strategic Plan for Trout
11 Management for all wild trout waters not more than three years
12 following their initial designation by the commission. The
13 department shall update the management plan every five years or
14 as necessary following completion of the initial management plan.
15 The department shall prepare trout management plans for other
16 waters consistent with the Strategic Plan for Trout Management
17 as appropriate.

18 (e) The Strategic Plan for Trout Management and plans
19 completed pursuant to subdivision (d) shall be publicly available
20 on the department's Internet Web site.

21 SEC. 13. Section 1729 is added to the Fish and Game Code,
22 to read:

23 1729. (a) Priority shall be given to stocking native
24 hatchery-produced species in California's waters, where stocking
25 is determined to be appropriate by the department. Stocking of
26 hatchery-produced fish is not appropriate in all of California's
27 waters.

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

31 (c) Hatchery-produced fish listed in Section 7261 shall be
32 marked whenever feasible.

33 (d) The department may provide outreach and educational
34 materials to all anglers to promote awareness of environmental
35 sustainability, ecosystem health, fish genetics, angling
36 opportunities, and fish population management.

37 (e) Educational programs utilizing the hatcheries shall be
38 encouraged.

1 (f) *Except for limited conservation purposes of short-term*
2 *duration, all hatchery-produced fish stocked in California’s waters*
3 *shall be sterile.*

4 (g) *The department may develop, conduct, and respond to*
5 *regular angler preference and satisfaction surveys. This is not a*
6 *substitute for a preferred scientific data collection and monitoring*
7 *program that would facilitate adaptive management of California’s*
8 *inland trout fisheries.*

9 (h) *Angling regulations shall be reviewed periodically and*
10 *adjusted to ensure consistency with the strategic plan described*
11 *in Section 1728.*

12 *SEC. 14. Section 1730 is added to the Fish and Game Code,*
13 *to read:*

14 *1730. (a) The department shall establish the Hatchery*
15 *Independent Science Advisory Panel under the guidance of the*
16 *department’s independent science advisory panel established*
17 *pursuant to Section 715.*

18 *(1) The Hatchery Independent Science Advisory Panel shall*
19 *consist of five members appointed by the Governor. The term of*
20 *office for members of the panel shall be five years. The terms of*
21 *the initial appointments to the panel may be less than five years*
22 *in order for the terms of the panel members to be staggered. No*
23 *more than two members’ terms shall expire in any given calendar*
24 *year. Members of the panel shall be prominent scientists with*
25 *appropriate expertise, including, but not limited to, genetics and*
26 *conservation biology.*

27 *(2) The mission of the Hatchery Independent Science Advisory*
28 *Panel includes all of the following:*

29 *(A) To independently review, assess, and provide direction for,*
30 *science-based, environmentally sustainable hatchery production*
31 *plans, and stocking plans for all state waters within the context of*
32 *watershed-wide, ecosystem health-based management of the inland*
33 *trout fishery.*

34 *(B) To provide long-term strategic direction to the department*
35 *on hatchery and wild trout management, including, but not limited*
36 *to, any broodstock or captive breeding programs operated for*
37 *reintroduction of recovery or rare trout.*

38 *(C) To provide oversight of the scientific research, monitoring,*
39 *and assessment programs that support hatchery and wild trout*
40 *programs through periodic reviews of each of those programs,*

1 *including all recommended content in hatchery genetic*
2 *management plans that may be established for each facility.*

3 *(b) By January 1, 2015, the Hatchery Independent Science*
4 *Advisory Panel shall accomplish all of the following:*

5 *(1) Relying to the extent feasible on the inventories developed*
6 *pursuant to Section 1726.4, the panel shall provide the department*
7 *with its recommendations to develop stocking plans for each of*
8 *California's individual waters that shall be based on a watershed*
9 *approach in order to promote environmental sustainability and*
10 *ecosystem health. It is the intent of the Legislature that stocking*
11 *plans shall minimize the potential for harm to other native species*
12 *through interactions with hatchery-produced fish. It is also the*
13 *intent of the Legislature that all stocking plans shall include*
14 *reach-dependent trout density goals as well as an analysis of the*
15 *expected impacts from angling. The panel may recommend that*
16 *the department adopt a classification system that identifies*
17 *sustainable fishery management strategies for individual waterways*
18 *within a watershed.*

19 *(2) The panel shall recommend to the department on the*
20 *scientific parameters for a monitoring program to collect sufficient*
21 *data to permit science-based assessments that would support*
22 *adaptive management of hatchery and stocking programs,*
23 *including, but not limited to, allowable angling opportunities.*

24 *(3) The panel shall recommend to the department its*
25 *recommendations for the content of a fisheries assessment for each*
26 *of the species listed in Section 7621. It is the intent of the*
27 *Legislature that each fishery will be managed to optimize the health*
28 *of the surrounding ecosystem, and stocking goals for any water*
29 *shall not exceed an assessment of the biological carrying capacity*
30 *of the water. This assessment shall include the consideration of*
31 *all relevant biological and nonbiological factors that includes,*
32 *but is not limited to, stream flow, water temperature, water quality,*
33 *climate change, genetic diversity of the wild trout stock, genetic*
34 *diversity of all ecosystem biota, the biological carrying capacity*
35 *of the ecosystem, habitat, land use and land management, endemic*
36 *disease and pathogens, the presence of any federal or state*
37 *threatened or endangered species, restoring and protecting*
38 *riparian communities, and restoring the historic range of native*
39 *trout and other species.*

1 (c) *The Hatchery Independent Science Advisory Panel shall*
2 *submit to the director of the department an annual report of its*
3 *research and recommendations, including recommendations for*
4 *any changes in the programs pursuant to its review, including*
5 *policy changes to be considered by the Legislature.*

6 (d) *Decisions by the Hatchery Independent Science Advisory*
7 *Panel shall be by majority vote.*

8 (e) *The department shall respond to all of the Hatchery*
9 *Independent Science Advisory Panel’s comments publicly.*

10 SEC. 15. *Chapter 7.9 (commencing with Section 1797) is added*
11 *to Division 2 of the Fish and Game Code, to read:*

12
13 *CHAPTER 7.9. CONSERVATION BANK AND MITIGATION BANK*
14 *APPLICATIONS AND FEES*
15

16 *1797. The Legislature finds and declares as follows:*

17 (a) *Mitigation banks and conservation banks provide for the*
18 *conservation of important habitats and habitat linkages, take*
19 *advantage of economies of scale that are often not available to*
20 *individualized mitigation projects, and simplify the regulatory*
21 *compliance process while achieving conservation goals.*

22 (b) *The department and other state entities have authorized*
23 *private and public conservation and mitigation banks to serve an*
24 *important function of managing the mitigation provided by private*
25 *applicants when aquatic or terrestrial mitigation is required as a*
26 *condition of a permit from a public agency. Conservation and*
27 *mitigation banks provide parcels of land that provide habitat for*
28 *specified species. The banks offer credits to those with a mitigation*
29 *responsibility associated with a permit granted by a public agency*
30 *that requires compensation for impacts to wetlands, threatened*
31 *or endangered species, and other sensitive resources. The*
32 *California policy on conservation banks was established in 1995*
33 *by the Natural Resources Agency and the California Environmental*
34 *Protection Agency. Other mitigation banking policies have been*
35 *entered into by and between state agencies and federal wildlife*
36 *agencies including the United States Fish and Wildlife Service,*
37 *the United States Army Corps of Engineers, and the United States*
38 *Environmental Protection Agency.*

39 (c) *The Department of Fish and Game has properly excluded*
40 *from mitigation and conservation banks those lands that do not*

1 support significant biological resources or that cannot sustain
2 their biological viability. The department has also excluded other
3 lands from eligibility as mitigation banks, including, but not limited
4 to, lands that are themselves mitigation for previous projects, lands
5 designated as parks or open space or set aside by a legal
6 settlement, and lands acquired by a public entity.

7 (d) Greater transparency of mitigation and conservation banks
8 is required to ensure that the mitigation requirements of affected
9 regulatory programs and permitting decisions are fully met and
10 that the accounting mechanisms used by mitigation banks to
11 provide for species are scientifically valid with appropriate public
12 oversight. The private and public mitigation banks or the private
13 and public entities to whom credits are sold should fully fund the
14 administrative and regulatory costs of the Department of Fish and
15 Game or other public agencies relating to the provision of banks.

16 (e) The Department of Fish and Game has found that the
17 establishment and use of conservation and mitigation banks may
18 result in added ecological benefits and reduced administrative
19 costs over the more traditional forms of smaller, single-purpose
20 mitigation projects.

21 (f) It is the intent of the Legislature to recognize that mitigation
22 banking and conservation banking are important programs of the
23 state and provide regulatory efficiencies, environmental benefits,
24 and economic advantages. Banks have demonstrated their value
25 and efficacy when properly developed and monitored and are
26 therefore an important tool in mitigating impacts to resources.

27 1797.5. For the purposes of this chapter, the following terms
28 shall have the following meanings:

29 (a) “Bank” means a conservation bank, mitigation bank, or
30 conservation and mitigation bank.

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

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

36 (d) “Conservation bank” means a publicly or privately owned
37 and operated site that is to be conserved and managed in
38 accordance with a written agreement with the department on which
39 important habitat, including habitat for threatened, endangered,

1 *or other special status species, exists, has been, or will be created*
2 *to do any of the following:*

3 *(1) Compensate for take or other adverse impacts of activities*
4 *authorized pursuant to Chapter 1.5 (commencing with Section*
5 *2050) of Division 3.*

6 *(2) Reduce adverse impacts to fish or wildlife resources from*
7 *activities, authorized pursuant to Chapter 6 (commencing with*
8 *Section 1600) of Division 2, to less than substantial.*

9 *(3) Mitigate significant effects on the environment pursuant to*
10 *the California Environmental Quality Act (Division 13*
11 *(commencing with Section 21000) of the Public Resources Code)*
12 *and Guidelines for Implementation of the California Environmental*
13 *Quality Act (Chapter 3 (commencing with Section 15000) of*
14 *Division 6 of Title 14 of the California Code of Regulations).*

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

16 *(e) "Conservation easement" means a perpetual conservation*
17 *easement, as defined by Section 815.1 of the Civil Code, covering*
18 *the real property that comprises the bank site.*

19 *(f) "Mitigation bank" means either of the following:*

20 *(1) A bank site or mitigation bank site as defined by Section*
21 *1777.2.*

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

28 *(g) "Person" has the meaning set forth in subdivision (b) of*
29 *Section 711.2.*

30 *(h) "Prospectus" means a written summary of the proposed*
31 *bank containing a sufficient level of detail to support informed*
32 *department review and comment.*

33 *1798. (a) (1) Any person interested in establishing any bank*
34 *with the department may elect to submit an optional draft*
35 *prospectus for review by the department. Any draft prospectus*
36 *shall be accompanied by a draft prospectus review fee of one*
37 *thousand five hundred dollars (\$1,500) to fund the reasonable cost*
38 *of the department's review services. The draft prospectus review,*
39 *while optional, is intended to identify potential issues early so that*
40 *the potential bank sponsor may attempt to address those issues*

1 *prior to initiating the formal review process. The draft prospectus*
2 *is a brief proposal submitted when scoping the concept of a bank,*
3 *contemplating pursuing a bank idea, or for those new to the*
4 *banking process.*

5 *(2) No later than 30 calendar days after the department receives*
6 *a draft prospectus and review fee, the department shall make an*
7 *initial evaluation of the proposed concept and notify the person*
8 *who submitted the draft prospectus of potential issues identified*
9 *by the department.*

10 *(b) (1) Any person seeking to establish a bank with the*
11 *department shall submit a bank prospectus to the department*
12 *together with a prospectus review fee of ten thousand dollars*
13 *(\$10,000) to fund the reasonable cost of the department's review*
14 *services. If a draft prospectus and the review fee have been*
15 *submitted pursuant to subdivision (a), then the review fee of the*
16 *bank prospectus shall be eight thousand five hundred dollars*
17 *(\$8,500) so as not to exceed a total fee of ten thousand dollars*
18 *(\$10,000).*

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

21 *(A) The proposed bank name.*

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

24 *(C) A general location map, address, and identification of the*
25 *amount of acreage of the site of the proposed bank.*

26 *(D) A 7.5-minute United States Geological Survey map showing*
27 *proposed boundaries of the bank.*

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

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

33 *(G) Qualifications of bank sponsor.*

34 *(H) Any preliminary biological resources surveys, including*
35 *past, current, and adjacent land uses, vegetation types, and species*
36 *information, as well as survey results that can support a finding*
37 *by the department that the proposed bank site has suitable habitat*
38 *values for a bank.*

39 *(I) Map of proposed bank service areas.*

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

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

6 (L) A current preliminary report covering the site of the
7 proposed bank that identifies the owner of the fee simple title and
8 shows the property to be free and clear of any and all liens and
9 encumbrances that could interfere or conflict with the permanent
10 protection of the habitat values of the proposed bank.

11 (M) Details of any previous public funding received for
12 acquisition or restoration of, or other purposes related to, the
13 proposed bank site.

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

20 (d) If the department determines that the prospectus is complete,
21 then within 90 calendar days of that determination, the department
22 shall determine whether or not the prospectus complies with
23 applicable provisions of this chapter and notify the person who
24 submitted the prospectus of the determination. The department
25 may request supplementary information during the prospectus
26 review process.

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

30 (2) If the department determines that a bank prospectus is not
31 acceptable the department shall state the reasons for the
32 determination. The prospectus may be resubmitted in accordance
33 with subdivision (a) if further consideration is desired. Any
34 resubmittal must be accompanied by payment of a new prospectus
35 review fee.

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

39 1798.5. (a) (1) If the department determines that a bank
40 prospectus is acceptable pursuant to Section 1798, the person

1 seeking to establish the bank may submit a bank agreement
2 package to the department. Pursuant to subdivision (b) of Section
3 1799.1, the department may adopt and amend guidelines and
4 criteria for the bank agreement package, including, but not limited
5 to, recommended standard forms for bank enabling instruments
6 or long-term management plan and conservation easements.

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

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

10 (B) A draft interim management plan, long-term management
11 plan, bank closure plan, and, if applicable, a development or
12 construction plan for the bank.

13 (C) A draft conservation easement.

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

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

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

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

24 (H) A phase I environmental site assessment of the site of the
25 proposed bank dated not more than six months prior to the date
26 the bank agreement package is submitted to the department. This
27 assessment shall be performed in accordance with the American
28 Society of Testing and Materials Standard E1527-05 “Standard
29 Practice for Environmental Site Assessments: Phase I
30 Environmental Site Assessment Process” or any successive ATSM
31 standard active at the time of the assessment.

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

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

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

3 (2) If the department determines that the bank agreement
4 package is complete, within 90 calendar days of that determination,
5 the department shall determine whether or not it complies with
6 applicable provisions of this chapter and notify the person who
7 submitted the package of the determination. If the department
8 determines that the bank agreement package is not acceptable,
9 the department shall provide notice stating the reasons.

10 (d) (1) The department may request supplemental information
11 during the bank agreement review process if either of the following
12 occur:

13 (A) There is new or revised information submitted by the person
14 seeking to establish the bank or requested by the department as
15 necessary to adequately describe the proposed bank and its
16 operations.

17 (B) Substantial proposed changes to a draft bank agreement
18 package, including, but not limited to, parties, number or type of
19 credits, bank size, number or type of species, credit release
20 schedule, service area, design change, or other substantial changes
21 as identified by the department.

22 (2) The department shall assess a fee of seven thousand five
23 hundred dollars (\$7,500) to fund the reasonable cost of the
24 department's services for new or revised information pursuant to
25 this subdivision. For review of any substantial change, the
26 department shall assess a fee of fifteen thousand dollars (\$15,000)
27 to fund the reasonable cost of the department's services.

28 (3) The department may charge a fee in addition to the fee
29 specified in paragraph (2) to cover its reasonable costs if either
30 of the occurrences in paragraph (1) occur after the department
31 determines the package to be complete.

32 (4) Upon receipt of any new or revised information or
33 substantial proposed change, a new 30-day period shall begin
34 during which the department shall determine the completeness of
35 the bank agreement package, followed by a new 90-day period for
36 the department to determine acceptability pursuant to subdivision
37 (c). If the department determines that 90 days is insufficient time
38 to complete its review of the bank agreement package for reasons
39 including, but not limited to, the size, location, or complexity of
40 the bank, that the package includes a development or construction

1 *plan, complexity of the bank agreement package, or substantial*
2 *variations from recommended standard forms, the department may*
3 *extend the 90-day period for reviewing the bank agreement*
4 *package by an additional 60 calendar days.*

5 *(e) If the department determines that a bank agreement package*
6 *is not acceptable, then the package may be resubmitted in*
7 *accordance with subdivision (a) if further consideration is desired.*
8 *Any resubmittal must be accompanied by payment of a new bank*
9 *agreement package review fee.*

10 1798.6. *(a) Any person seeking to amend any department*
11 *approved bank shall submit to the department a complete bank*
12 *amendment package containing each of the original bank*
13 *agreement package documents as well as any documents proposed*
14 *to be amended or that would be affected by the proposed*
15 *amendment. The department may adopt and amend guidelines and*
16 *criteria for the bank amendment package pursuant to subdivision*
17 *(b) of Section 1799.1.*

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

23 *(2) If the department determines that the bank amendment*
24 *package is complete, then within 90 calendar days of that*
25 *determination, the department shall determine whether or not the*
26 *package is acceptable and notify the person who submitted the*
27 *package of that determination. If the bank amendment package is*
28 *determined not to be acceptable, the determination shall state the*
29 *reasons. The department may request supplemental information*
30 *during the bank amendment review process. The department may*
31 *extend the 90-day period for reviewing the bank amendment*
32 *package by an addition 60 days if the department determines that*
33 *90 days is insufficient time to complete its review of a bank*
34 *amendment package for reasons that may include, but are not*
35 *limited to, the size, location, or complexity of the bank or bank*
36 *amendment documents, that the package includes a development*
37 *plan, or that there are substantial variations from recommended*
38 *standard forms.*

39 *(c) (1) The department shall collect a fee of seven thousand*
40 *five hundred dollars (\$7,500) or twenty-five thousand dollars*

1 (\$25,000) per bank amendment package to fund the reasonable
2 cost of the department's review services. The fee shall be
3 determined by the department based on the complexity of the
4 proposed amendment.

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

8 (3) Within 30 calendar days following the department's receipt
9 of a bank amendment package and the initial fee, pursuant to
10 paragraph (2), the department shall determine whether or not the
11 package is complete and give written notice of the determination
12 to the person who submitted it along with notice of whether the
13 person shall remit an additional fee of seventeen thousand five
14 hundred dollars (\$17,500).

15 (4) If the department determines that the bank amendment
16 package is not complete, the package may be made complete and
17 resubmitted. If the department determines that the bank amendment
18 package is complete, then within 90 calendar days of that
19 determination and the receipt of the additional fee pursuant to
20 paragraph (3), if applicable, the department shall determine
21 whether or not the bank amendment package is acceptable and
22 notify the person who submitted the package of the determination.

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

25 (2) The department may request supplemental information
26 during the bank amendment review process if either of the
27 following occur:

28 (A) There is new or revised information submitted by the person
29 seeking to amend the bank or requested by the department as
30 necessary to adequately describe the proposed amended bank and
31 its operations.

32 (B) Substantial proposed changes to a bank agreement package,
33 including, but not limited to, parties, number or type of credits,
34 bank size, number or type of species, credit release schedule,
35 service area, design change, or other substantial changes as
36 identified by the department.

37 (3) The department may charge a fee in addition to the fee
38 specified in subdivision (c) to cover its reasonable costs if either
39 of the occurrences in paragraph (2) occur after the department
40 determines the package to be complete. For review of new or

1 revised information, the department shall assess a fee of seven
2 thousand five hundred dollars (\$7,500) to fund the reasonable cost
3 of the department's services. For review of any substantial change,
4 the department shall assess a fee of fifteen thousand dollars
5 (\$15,000) to fund the reasonable cost of the department's services.

6 (4) Upon receipt of any new or revised information or
7 substantial proposed change, a new 30-day period shall begin
8 during which the department shall determine the completeness of
9 the bank amendment package, followed by a new 90-day period
10 for the department to determine acceptability pursuant to
11 subdivision (c). If the department determines that 90 days is
12 insufficient time to complete its review of the bank amendment
13 package for reasons including, but not limited to, the size, location,
14 or complexity of the bank, that the package includes a development
15 or construction plan, complexity of the bank amendment package,
16 or substantial variations from recommended standard forms, the
17 department may extend the 90-day period for reviewing the bank
18 amendment package by an additional 60 calendar days.

19 (e) If the department determines that a bank amendment package
20 is incomplete, then the package may be resubmitted in accordance
21 with subdivision (a) if further consideration is desired. Any
22 resubmittal must be accompanied by payment of all applicable
23 bank amendment package review fees.

24 1798.7. A bank prospectus, agreement, or amendment package
25 submitted to the department, but not approved as of January 1,
26 2013, shall be reviewed for completeness or acceptability in
27 accordance with the timelines provided by this chapter and only
28 after the department has collected all appropriate fees pursuant
29 to this chapter.

30 1799. (a) Until the department has approved a bank, in writing,
31 and a conservation easement has been recorded on the site, no
32 bank shall be operative, vested, or final, nor bank credits issued.
33 No amendment to an approved bank shall be effective without the
34 written approval of the department.

35 (b) Following approval of a final bank agreement package and
36 establishment of a bank, the department shall conduct compliance
37 review activities as provided in the approved bank enabling
38 instrument.

39 (c) The department shall establish and maintain a database that
40 allows bank sponsors to accurately update and add information

1 *about mitigation and conservation banks. This data shall be*
2 *available on the department's Internet Web site or by a link from*
3 *the department's Internet Web site to an appropriate federal or*
4 *state agency designated Internet Web site. The available*
5 *information shall include, but is not limited to, the total number*
6 *of each type of bank credit, the types of credits sold or obligated,*
7 *the number of credits sold or obligated, the number of credits*
8 *applied, the balance of each type of credit remaining, the status*
9 *of the species and habitat at the mitigation or conservation bank,*
10 *links to the bank's long-term management plans, and links to the*
11 *complete annual monitoring reports required by departmental*
12 *policy.*

13 *(d) (1) The department shall collect fees to pay for all or a*
14 *portion of the department's bank implementation and compliance*
15 *costs.*

16 *(2) The department shall collect from the bank sponsor a fee of*
17 *two hundred fifty dollars (\$250) per each credit sold, to pay for*
18 *all or a portion of, the department's reasonable costs of performing*
19 *bank implementation and compliance. The per-credit payments*
20 *shall be submitted annually at the time of the submission of the*
21 *bank's annual report. The department may require the bank to*
22 *cease selling credits and may stop credit releases until these fees*
23 *are paid in full. The department shall assess a penalty of 10 percent*
24 *of the amount of fees due for a failure to remit the amount payable*
25 *when due.*

26 *1799.1. (a) The department shall annually adjust the fees in*
27 *this chapter pursuant to Section 713.*

28 *(b) Moneys received pursuant to this chapter shall be deposited*
29 *in a separate dedicated account within the Fish and Game*
30 *Preservation Fund and expended for the purposes of this chapter.*

31 *(c) The department may adopt and amend guidelines and criteria*
32 *to implement this chapter. The department shall develop these*
33 *guidelines and criteria in coordination with interested parties,*
34 *including, but not limited to, bank sponsors, and federal and state*
35 *bank approving agencies. Chapter 3.5 (commencing with Section*
36 *11340) of Part 1 of Division 3 of Title 2 of the Government Code*
37 *shall not apply to the development, adoption, or amendment, of*
38 *guidelines or criteria pursuant to this section. The guidelines and*
39 *criteria shall be posted on the department's Internet Web site.*

1 (d) Notwithstanding Section 12000, failure to pay any fee
2 pursuant to this chapter is not a crime.

3 SEC. 16. Section 2014 of the Fish and Game Code is amended
4 to read:

5 2014. (a) It is the policy of this state to conserve its natural
6 resources and to prevent the willful or negligent destruction of
7 birds, mammals, fish, reptiles, or amphibians.

8 The state *and those acting as trustees for fish and wildlife* may
9 recover damages in a civil action against any person or local agency
10 ~~which~~ *that* unlawfully or negligently takes or destroys any *wildlife*,
11 *including, but not limited to, a* bird, mammal, fish, reptile, or
12 amphibian protected by the laws of this state.

13 (b) The measure of damages is the amount which will
14 compensate for all the detriment proximately caused by the
15 destruction of the birds, mammals, fish, reptiles, or amphibians.

16 (c) (1) An action to recover damages under this section shall
17 be brought in the name of the people of the state, in a court of
18 competent jurisdiction in the county in which the cause of action
19 arose. The State Water Resources Control Board shall be notified
20 of, and may join in, any action brought under this section when
21 the activities alleged to have caused the destruction of any bird,
22 mammal, fish, reptile, or amphibian may involve either the
23 unlawful discharge of pollutants into the waters of the state or
24 other violation of Division 7 (commencing with Section 13000)
25 of the Water Code.

26 (2) *If after reasonable notice of not less than 60 days, the*
27 *department fails to act in its statutory role as parens patriae for*
28 *fish and wildlife, a trustee with standing to protect fish and wildlife*
29 *may petition and seek damages, injunctive relief, and appropriate*
30 *civil penalties in an action before the superior court with*
31 *jurisdiction over the take and destruction of wildlife protected by*
32 *the laws of this state, provided that damages for fish and wildlife*
33 *and the reasonable costs of the department are paid to the*
34 *department.*

35 (d) This section does not apply to persons or local agencies
36 engaged in agricultural pest control, to the destruction of fish in
37 irrigation canals or works or irrigation drainages, or to the
38 destruction of birds or mammals killed while damaging crops as
39 provided by law.

1 (e) No damages may be recovered against a local agency
2 pursuant to this section if civil penalties are assessed against the
3 local agency for the same detriment pursuant to Division 7
4 (commencing with Section 13000) of the Water Code.

5 (f) Any recovery or settlement of money damages, including,
6 but not limited to, civil penalties, arising out of any civil action
7 filed and maintained by the Attorney General in the enforcement
8 of this section shall be deposited by the department in the
9 subaccounts of the Fish and Wildlife Pollution Account in the Fish
10 and Game Preservation Fund as specified in Section 13011.

11 (g) For purposes of this section, “local agency” includes any
12 city, county, city and county, district, public authority, or other
13 political subdivision.

14 *SEC. 17. Section 2860 of the Fish and Game Code is amended*
15 *to read:*

16 2860. (a) The ~~commission~~ *department* may regulate
17 commercial and recreational fishing and any other taking of marine
18 species in MPAs.

19 (b) Notwithstanding any other provision of this code, the taking
20 of a marine species in a marine life reserve is prohibited for any
21 purpose, including recreational and commercial fishing, except
22 that the ~~commission~~ *department* may authorize the taking of a
23 marine species for scientific purposes, consistent with the purposes
24 of this chapter, under a scientific collecting permit issued by the
25 department.

26 *SEC. 18. Section 2861 of the Fish and Game Code is amended*
27 *to read:*

28 2861. (a) The ~~commission~~ *department* shall, annually until
29 the master plan is adopted and thereafter at least every three years,
30 receive, consider, and promptly act upon petitions from any
31 interested party, to add, delete, or modify MPAs, favoring those
32 petitions that are compatible with the goals and guidelines of this
33 ~~chapter~~ *as reflected in subdivisions (b) and (c) of Section 2853*
34 *and subdivisions (b) to (e), inclusive, of Section 2857.*

35 (b) *The department shall establish a process for external peer*
36 *review of the scientific basis for proposed additions, deletions, or*
37 *modifications of MPAs, including, but not limited to, any proposed*
38 *changes originating in the department.*

39 (c) *Prior to consideration of its recommended action on petitions*
40 *received to add, delete, or modify MPAs, the department shall*

1 convene a siting workshop in the biogeographical region of the
 2 proposed MPA change, composed of interested parties, to review
 3 the alternatives for MPA modification and to provide advice on a
 4 recommended action on the proposed modification of the MPA. A
 5 siting workshop shall not be required for minor boundary changes.

6 (b)

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

13 (e)

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

21 *SEC. 19. Section 2864 is added to the Fish and Game Code,*
 22 *to read:*

23 *2864. Every seven years, the department shall conduct a review*
 24 *of the effectiveness of the statewide MPA network as a whole in*
 25 *achieving the goals of this chapter. The department shall report*
 26 *the results of the review and any proposals for changes to the MPA*
 27 *network to the Secretary for Natural Resources in the form required*
 28 *by the secretary. Any modifications to the MPA network or to an*
 29 *individual MPA shall be considered pursuant to Section 2861.*

30 ~~SEC. 8. Section 3031 of the Fish and Game Code is amended~~
 31 ~~to read:~~

32 ~~3031. (a) A hunting license, granting the privilege to take birds~~
 33 ~~and mammals, shall be issued to any of the following:~~

34 ~~(1) A resident of this state, 16 years of age or older, upon the~~
 35 ~~payment of a base fee as determined pursuant to subdivision (b).~~

36 ~~(2) A resident or nonresident, who is under 16 years of age on~~
 37 ~~July 1 of the licensing year, upon the payment of a base fee as~~
 38 ~~determined pursuant to subdivision (b), regardless of whether that~~
 39 ~~person applies before or after July 1 of that year.~~

1 ~~(3) A nonresident, 16 years of age or older, upon the payment~~
2 ~~of a base fee as determined pursuant to subdivision (b).~~

3 ~~(4) A nonresident, 16 years of age or older, valid only for two~~
4 ~~consecutive days upon payment of the fee set forth in paragraph~~
5 ~~(1). A license issued pursuant to this paragraph is valid only for~~
6 ~~taking resident and migratory game birds, resident small game~~
7 ~~mammals, fur-bearing mammals, and nongame mammals, as~~
8 ~~defined in this code or in regulations adopted by the commission.~~

9 ~~(5) A nonresident, valid for one day and only for the taking of~~
10 ~~domesticated game birds and pheasants while on the premises of~~
11 ~~a licensed game bird club, or for the taking of domesticated~~
12 ~~migratory game birds in areas licensed for shooting those birds,~~
13 ~~upon the payment of a base fee as determined pursuant to~~
14 ~~subdivision (b).~~

15 ~~(b) The commission shall establish base fees for hunting licenses~~
16 ~~described in subdivision (a) in an amount sufficient to recover all~~
17 ~~reasonable administrative and implementation costs of the~~
18 ~~department and commission relating to those licenses. The base~~
19 ~~fees specified in this section are applicable to the 2013 license~~
20 ~~year, and shall be adjusted annually thereafter pursuant to Section~~
21 ~~713.~~

22 *SEC. 20. Section 3031 of the Fish and Game Code is amended*
23 *to read:*

24 3031. (a) A hunting license, granting the privilege to take birds
25 and mammals, shall be issued to any of the following:

26 (1) A resident of this state, 16 years of age or older, upon the
27 payment of a base fee of thirty-one dollars and twenty-five cents
28 (\$31.25).

29 (2) A resident or nonresident, who is under 16 years of age on
30 July 1 of the licensing year, upon the payment of a base fee of
31 eight dollars and twenty-five cents (\$8.25), regardless of whether
32 that person applies before or after July 1 of that year.

33 (3) A nonresident, 16 years of age or older, upon the payment
34 of a base fee of one hundred eight dollars and fifty cents (\$108.50).

35 (4) A nonresident, 16 years of age or older, valid only for two
36 consecutive days upon payment of the fee set forth in paragraph
37 (1). A license issued pursuant to this paragraph is valid only for
38 taking resident and migratory game birds, resident small game
39 mammals, fur-bearing mammals, and nongame mammals, as
40 defined in this code or in regulations adopted by the commission.

1 (5) A nonresident, valid for one day and only for the taking of
2 domesticated game birds and pheasants while on the premises of
3 a licensed game bird club, or for the taking of domesticated
4 migratory game birds in areas licensed for shooting those birds,
5 upon the payment of a base fee of fifteen dollars (\$15).

6 (b) The base fees specified in this section are applicable to the
7 2004 license year, and shall be adjusted annually thereafter
8 pursuant to Section 713.

9 (c) *The commission shall adjust the amount of the fees specified*
10 *in subdivision (b), as necessary, to fully recover, but not exceed,*
11 *all reasonable administrative and implementation costs of the*
12 *department and the commission relating to those licenses.*

13 SEC. 21. Section 4006 of the Fish and Game Code is amended
14 to read:

15 4006. (a) A trapping license shall be issued as follows:

16 (a)

17 (1) To any resident of this state over the age of 16 years upon
18 payment of a base fee of forty-five dollars (\$45), as adjusted under
19 Section 713.

20 (b)

21 (2) To any resident of this state under the age of 16 years upon
22 payment of a base fee of fifteen dollars (\$15), as adjusted under
23 Section 713.

24 (c)

25 (3) To any person not a resident of this state upon payment of
26 a base fee of two hundred twenty-five dollars (\$225), as adjusted
27 under Section 713.

28 A

29 (b) A license shall not be issued to a nonresident if the state in
30 which he or she resides does not provide for issuance of a
31 nonresident trapping license to California residents. Also, a
32 nonresident issued a license under this subdivision may take only
33 those species, and may take or possess only that quantity of a
34 species which a resident of California may take or possess under
35 a nonresident trapping license or permit in the state of residence
36 of that nonresident.

37 (c) *The commission shall adjust the amount of the fees specified*
38 *in subdivision (a), as necessary, to fully recover, but not exceed,*
39 *all reasonable administrative and implementation costs of the*
40 *department and the commission relating to those licenses.*

1 ~~SEC. 9.— Section 6596 of the Fish and Game Code is amended~~
2 ~~to read:~~

3 ~~6596. (a) In addition to a valid California sport fishing license~~
4 ~~and any other applicable license stamp issued pursuant to this code,~~
5 ~~a person taking fish from ocean waters south of a line extending~~
6 ~~due west from Point Arguello for purposes other than for profit~~
7 ~~shall have a valid sport fishing ocean enhancement stamp~~
8 ~~permanently affixed to his or her fishing license. A sport fishing~~
9 ~~ocean enhancement stamp shall be issued upon payment of a base~~
10 ~~fee established by the commission in an amount sufficient to~~
11 ~~recover all reasonable administrative and implementation costs of~~
12 ~~the department and commission relating to the stamp. A sport~~
13 ~~fishing license issued pursuant to paragraph (4) or (5) of~~
14 ~~subdivision (a) of Section 7149 is not subject to this subdivision.~~

15 ~~(b) In addition to a valid California commercial passenger~~
16 ~~fishing boat license issued pursuant to Section 7920, the owner of~~
17 ~~any boat or vessel who, for profit, permits any person to fish~~
18 ~~therefrom, south of a line extending due west from Point Arguello,~~
19 ~~shall have a valid commercial fishing ocean enhancement stamp~~
20 ~~issued for that vessel that has not been suspended or revoked.~~

21 ~~(c) Any person who takes, possesses aboard a boat, or lands any~~
22 ~~white sea bass for commercial purposes, south of a line extending~~
23 ~~due west from Point Arguello, shall have a valid commercial~~
24 ~~fishing ocean enhancement stamp issued to that person that has~~
25 ~~not been suspended or revoked.~~

26 ~~(d) The commission shall establish a base fee for a commercial~~
27 ~~fishing ocean enhancement stamp in an amount sufficient to~~
28 ~~recover all reasonable administrative and implementation costs of~~
29 ~~the department and commission relating to the stamp.~~

30 ~~(e) This section does not apply to licenses, permits, reservations,~~
31 ~~tags, or other entitlements issued through the Automated License~~
32 ~~Data System.~~

33 ~~(f) The base fees specified in this section are applicable to the~~
34 ~~2013 license year, and shall be adjusted annually thereafter~~
35 ~~pursuant to Section 713.~~

36 ~~SEC. 22. Section 6596 of the Fish and Game Code is amended~~
37 ~~to read:~~

38 ~~6596. (a) In addition to a valid California sport fishing license~~
39 ~~and any other applicable license stamp issued pursuant to this code,~~
40 ~~a person taking fish from ocean waters south of a line extending~~

1 due west from Point Arguello for purposes other than for profit
2 shall have a valid sport fishing ocean enhancement stamp
3 permanently affixed to his or her fishing license. A sport fishing
4 ocean enhancement stamp shall be issued upon payment of a base
5 fee of three dollars and fifty cents (\$3.50). A sport fishing license
6 issued pursuant to paragraph (4) or (5) of subdivision (a) of Section
7 7149 is not subject to this subdivision.

8 (b) In addition to a valid California commercial passenger
9 fishing boat license issued pursuant to Section 7920, the owner of
10 any boat or vessel who, for profit, permits any person to fish
11 therefrom, south of a line extending due west from Point Arguello,
12 shall have a valid commercial fishing ocean enhancement stamp
13 issued for that vessel that has not been suspended or revoked.

14 (c) Any person who takes, possesses aboard a boat, or lands any
15 white sea bass for commercial purposes, south of a line extending
16 due west from Point Arguello, shall have a valid commercial
17 fishing ocean enhancement stamp issued to that person that has
18 not been suspended or revoked.

19 (d) The base fee for a commercial fishing ocean enhancement
20 stamp is thirty-five dollars (\$35).

21 (e) This section does not apply to licenses, permits, reservations,
22 tags, or other entitlements issued through the Automated License
23 Data System.

24 (f) The base fees specified in this section are applicable to the
25 2004 license year, and shall be adjusted annually thereafter
26 pursuant to Section 713.

27 (g) *The commission shall adjust the amount of the fees specified*
28 *in subdivision (f), as necessary, to fully recover, but not exceed,*
29 *all reasonable administrative and implementation costs of the*
30 *department and the commission relating to those licenses.*

31 ~~SEC. 10. Section 6596.1 of the Fish and Game Code is~~
32 ~~amended to read:~~

33 ~~6596.1. (a) In addition to a valid California sport fishing~~
34 ~~license and any other applicable license validation issued pursuant~~
35 ~~to this code, a person taking fish from ocean waters south of a line~~
36 ~~extending due west from Point Arguello for purposes other than~~
37 ~~for profit shall have a valid sport fishing ocean enhancement~~
38 ~~validation permanently affixed to his or her fishing license. A sport~~
39 ~~fishing ocean enhancement validation shall be issued upon payment~~
40 ~~of a base fee established by the commission in an amount sufficient~~

1 to recover all reasonable administrative and implementation costs
2 of the department and commission relating to the validation. A
3 sport fishing license issued pursuant to paragraph (4) or (5) of
4 subdivision (a) of Section 7149.05 is not subject to this subdivision.

5 (b) In addition to a valid California commercial passenger
6 fishing boat license issued pursuant to Section 7920, the owner of
7 any boat or vessel who, for profit, permits any person to fish
8 therefrom, south of a line extending due west from Point Arguello,
9 shall have a valid commercial fishing ocean enhancement
10 validation issued for that vessel that has not been suspended or
11 revoked.

12 (c) Any person who takes, possesses aboard a boat, or lands any
13 white sea bass for commercial purposes south of a line extending
14 due west from Point Arguello, shall have a valid commercial
15 fishing ocean enhancement validation issued to that person that
16 has not been suspended or revoked.

17 (d) The commission shall establish a base fee for a commercial
18 fishing ocean enhancement validation in an amount sufficient to
19 recover all reasonable administrative and implementation costs of
20 the department and commission relating to the validation.

21 (e) This section applies only to licenses, permits, reservations,
22 tags, and other entitlements issued through the Automated License
23 Data System.

24 (f) The base fees specified in this section are applicable to the
25 2013 license year, and shall be adjusted annually thereafter
26 pursuant to Section 713.

27 *SEC. 23. Section 6596.1 of the Fish and Game Code is amended*
28 *to read:*

29 6596.1. (a) In addition to a valid California sport fishing
30 license and any other applicable license validation issued pursuant
31 to this code, a person taking fish from ocean waters south of a line
32 extending due west from Point Arguello for purposes other than
33 for profit shall have a valid sport fishing ocean enhancement
34 validation permanently affixed to his or her fishing license. A sport
35 fishing ocean enhancement validation shall be issued upon payment
36 of a base fee of three dollars and fifty cents (\$3.50). A sport fishing
37 license issued pursuant to paragraph (4) or (5) of subdivision (a)
38 of Section 7149.05 is not subject to this subdivision.

39 (b) In addition to a valid California commercial passenger
40 fishing boat license issued pursuant to Section 7920, the owner of

1 any boat or vessel who, for profit, permits any person to fish
 2 therefrom, south of a line extending due west from Point Arguello,
 3 shall have a valid commercial fishing ocean enhancement
 4 validation issued for that vessel that has not been suspended or
 5 revoked.

6 (c) Any person who takes, possesses aboard a boat, or lands any
 7 white sea bass for commercial purposes south of a line extending
 8 due west from Point Arguello, shall have a valid commercial
 9 fishing ocean enhancement validation issued to that person that
 10 has not been suspended or revoked.

11 (d) The base fee for a commercial ocean fishing enhancement
 12 validation is thirty-five dollars (\$35).

13 (e) This section applies only to licenses, permits, reservations,
 14 tags, and other entitlements issued through the Automated License
 15 Data System.

16 (f) The base fees specified in this section are applicable to the
 17 2004 license year, and shall be adjusted annually thereafter
 18 pursuant to Section 713.

19 (g) *The commission shall adjust the amount of the fees specified*
 20 *in subdivision (f), as necessary, to fully recover, but not exceed,*
 21 *all reasonable administrative and implementation costs of the*
 22 *department and the commission relating to those licenses.*

23 ~~SEC. 11. Section 7149 of the Fish and Game Code is amended~~
 24 ~~to read:~~

25 ~~7149. (a) A sport fishing license granting the privilege to take~~
 26 ~~any fish, reptile, or amphibia anywhere in this state for purposes~~
 27 ~~other than profit shall be issued to any of the following:~~

28 ~~(1) A resident 16 years of age or older, for the period of a~~
 29 ~~calendar year, or, if issued after the beginning of the year, for the~~
 30 ~~remainder thereof, upon payment of a base fee as determined~~
 31 ~~pursuant to subdivision (d).~~

32 ~~(2) A nonresident, 16 years of age or older, for the period of a~~
 33 ~~calendar year, or, if issued after the beginning of the year, for the~~
 34 ~~remainder thereof, upon payment of a base fee as determined~~
 35 ~~pursuant to subdivision (d).~~

36 ~~(3) A nonresident, 16 years of age or older, for the period of 10~~
 37 ~~consecutive days beginning on the date specified on the license~~
 38 ~~upon payment of the fee set forth in paragraph (1).~~

39 ~~(4) A resident or nonresident, 16 years of age or older, for two~~
 40 ~~consecutive designated calendar days, upon payment of one-half~~

1 of the fee set forth in paragraph (1). Notwithstanding Section 1053,
2 more than one two-day license issued for different two-day periods
3 may be issued to, or possessed by, a person at one time.

4 (5) A resident or nonresident, 16 years of age or older, for one
5 designated day, upon payment of a base fee as determined pursuant
6 to subdivision (d).

7 (b) California sport fishing license stamps shall be issued by
8 authorized license agents in the same manner as sport fishing
9 licenses, and no compensation may be paid to the authorized
10 license agent for issuing the stamps except as provided in Section
11 1055.

12 (e) This section does not apply to licenses, permits, reservations,
13 tags, or other entitlements issued through the Automated License
14 Data System.

15 (d) The commission shall establish base fees for sport fishing
16 licenses described in subdivision (a) in an amount sufficient to
17 recover all reasonable administrative and implementation costs of
18 the department and commission relating to those licenses. The
19 base fees specified in this section are applicable to the 2013 license
20 year, and shall be adjusted annually thereafter pursuant to Section
21 713.

22 *SEC. 24. Section 7149 of the Fish and Game Code is amended*
23 *to read:*

24 7149. (a) A sport fishing license granting the privilege to take
25 any fish, reptile, or amphibia anywhere in this state for purposes
26 other than profit shall be issued to any of the following:

27 (1) A resident 16 years of age or older, for the period of a
28 calendar year, or, if issued after the beginning of the year, for the
29 remainder thereof, upon payment of a base fee of thirty-one dollars
30 and twenty-five cents (\$31.25).

31 (2) A nonresident, 16 years of age or older, for the period of a
32 calendar year, or, if issued after the beginning of the year, for the
33 remainder thereof, upon payment of a base fee of eighty-four
34 dollars (\$84).

35 (3) A nonresident, 16 years of age or older, for the period of 10
36 consecutive days beginning on the date specified on the license
37 upon payment of the fee set forth in paragraph (1).

38 (4) A resident or nonresident, 16 years of age or older, for two
39 consecutive designated calendar days, upon payment of half of the
40 fee set forth in paragraph (1). Notwithstanding Section 1053, more

1 than one two-day license issued for different two-day periods may
2 be issued to, or possessed by, a person at one time.

3 (5) A resident or nonresident, 16 years of age or older, for one
4 designated day, upon payment of a base fee of ten dollars (\$10).

5 (b) California sport fishing license stamps shall be issued by
6 authorized license agents in the same manner as sport fishing
7 licenses, and no compensation may be paid to the authorized
8 license agent for issuing the stamps except as provided in Section
9 1055.

10 (c) This section does not apply to licenses, permits, reservations,
11 tags, or other entitlements issued through the Automated License
12 Data System.

13 (d) The base fees specified in this section are applicable to the
14 2004 license year, and shall be adjusted annually thereafter
15 pursuant to Section 713.

16 (e) *The commission shall adjust the amount of the fees specified*
17 *in subdivision (d), as necessary, to fully recover, but not exceed,*
18 *all reasonable administrative and implementation costs of the*
19 *department and the commission relating to those licenses.*

20 ~~SEC. 12. Section 7149.05 of the Fish and Game Code is~~
21 ~~amended to read:~~

22 ~~7149.05. (a) A sport fishing license granting the privilege to~~
23 ~~take any fish, reptile, or amphibian anywhere in this state for~~
24 ~~purposes other than profit shall be issued to any of the following:~~

25 (1) ~~A resident, 16 years of age or older, for the period of a~~
26 ~~calendar year, or, if issued after the beginning of the year, for the~~
27 ~~remainder thereof, upon payment of a base fee as determined~~
28 ~~pursuant to subdivision (d).~~

29 (2) ~~A nonresident, 16 years of age or older, for the period of a~~
30 ~~calendar year, or, if issued after the beginning of the year, for the~~
31 ~~remainder thereof, upon payment of a base fee as determined~~
32 ~~pursuant to subdivision (d).~~

33 (3) ~~A nonresident, 16 years of age or older for the period of 10~~
34 ~~consecutive days beginning on the date specified on the license~~
35 ~~upon payment of the fee set forth in paragraph (1).~~

36 (4) ~~A resident or nonresident, 16 years of age or older, for two~~
37 ~~designated days, upon payment of one-half of the fee set forth in~~
38 ~~paragraph (1). Notwithstanding Section 1053, more than one single~~
39 ~~day license issued for different days may be issued to, or possessed~~
40 ~~by, a person at one time.~~

1 ~~(5) A resident or nonresident, 16 years of age or older, for one~~
2 ~~designated day upon payment of a base fee as determined pursuant~~
3 ~~to subdivision (d).~~

4 ~~(b) California sport fishing license validations shall be issued~~
5 ~~by authorized license agents in the same manner as sport fishing~~
6 ~~licenses, and no compensation shall be paid to the authorized~~
7 ~~license agent for issuing the validations except as provided in~~
8 ~~Section 1055.1.~~

9 ~~(c) This section applies only to licenses, permits, reservations,~~
10 ~~tags, and other entitlements issued through the Automated License~~
11 ~~Data System.~~

12 ~~(d) The commission shall establish base fees for sport fishing~~
13 ~~licenses described in subdivision (a) in an amount sufficient to~~
14 ~~recover all reasonable administrative and implementation costs of~~
15 ~~the department and commission relating to those licenses. The~~
16 ~~base fees specified in this section are applicable to the 2013 license~~
17 ~~year, and shall be adjusted annually thereafter pursuant to Section~~
18 ~~713.~~

19 *SEC. 25. Section 7149.05 of the Fish and Game Code is*
20 *amended to read:*

21 7149.05. (a) A sport fishing license granting the privilege to
22 take any fish, reptile, or amphibia anywhere in this state for
23 purposes other than profit shall be issued to any of the following:

24 (1) A resident, 16 years of age or older, for the period of a
25 calendar year, or, if issued after the beginning of the year, for the
26 remainder thereof, upon payment of a base fee of thirty-one dollars
27 and twenty-five cents (\$31.25).

28 (2) A nonresident, 16 years of age or older, for the period of a
29 calendar year, or, if issued after the beginning of the year, for the
30 remainder thereof, upon payment of a base fee of eighty-four
31 dollars (\$84).

32 (3) A nonresident, 16 years of age or older for the period of 10
33 consecutive days beginning on the date specified on the license
34 upon payment of the fee set forth in paragraph (1).

35 (4) A resident or nonresident, 16 years of age or older, for two
36 designated days, upon payment of half the fee set forth in paragraph
37 (1). Notwithstanding Section 1053, more than one single day
38 license issued for different days may be issued to, or possessed
39 by, a person at one time.

1 (5) A resident or nonresident, 16 years of age or older, for one
2 designated day upon payment of a base fee of ten dollars (\$10).

3 (b) California sport fishing license validations shall be issued
4 by authorized license agents in the same manner as sport fishing
5 licenses, and no compensation shall be paid to the authorized
6 license agent for issuing the validations except as provided in
7 Section 1055.1.

8 (c) This section applies only to licenses, permits, reservations,
9 tags, and other entitlements issued through the Automated License
10 Data System.

11 (d) The base fees specified in this section are applicable to the
12 2004 license year, and shall be adjusted annually thereafter
13 pursuant to Section 713.

14 (e) *The commission shall adjust the amount of the fees specified*
15 *in subdivision (d), as necessary, to fully recover, but not exceed,*
16 *all reasonable administrative and implementation costs of the*
17 *department and the commission relating to those licenses.*

18 SEC. 26. *Section 7260 of the Fish and Game Code is amended*
19 *to read:*

20 7260. (a) The Legislature finds and declares ~~that~~ *all of the*
21 *following:*

22 (1) California has the greatest biodiversity of native trout
23 species of any state in the nation. Trout can be found in more than
24 18,000 miles of California's cooler streams. California's trout are
25 the principal sport fish in 3,581 cold-water lakes and reservoirs.

26 (2) *Self-sustaining native trout populations in "Heritage Trout*
27 *Waters" that retain and promote genetic trout diversity and overall*
28 *sustainable watershed and ecosystem environmental health are*
29 *state policy.*

30 (b) *Funding for "Heritage Trout Waters" is a priority for the*
31 *Hatchery and Inland Fisheries Fund.*

32 ~~(b)~~

33 (c) The commission may designate "Heritage Trout Waters" to
34 recognize the beauty, diversity, historical significance, and special
35 values of California's native trout. The commission's designation
36 shall meet both of the following criteria:

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

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

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

7 *SEC. 27. Section 7852 of the Fish and Game Code is amended*
8 *to read:*

9 7852. (a) The department shall issue a commercial fishing
10 license to any resident who is 16 years of age or older, upon
11 payment of a base fee of ninety-five dollars (\$95) for each resident
12 vessel crewmember or resident vessel operator.

13 (b) The department shall issue a commercial fishing license to
14 any nonresident who is 16 years of age or older, upon payment of
15 a base fee of two hundred eighty-five dollars (\$285) for a
16 nonresident vessel crewmember or nonresident vessel operator.

17 (c) The base fees specified in this section are applicable to the
18 2004 license year, and shall be adjusted annually thereafter
19 pursuant to Section 713.

20 (d) *The commission shall adjust the amount of the fees specified*
21 *in subdivision (c), as necessary, to fully recover, but not exceed,*
22 *all reasonable administrative and implementation costs of the*
23 *department and the commission relating to those licenses.*

24 ~~(e)~~

25 (e) Nothing in this section affects any other provision of law
26 relating to the employment of minors.

27 *SEC. 28. Section 7881 of the Fish and Game Code is amended*
28 *to read:*

29 7881. (a) Every person who owns or operates a vessel in public
30 waters in connection with fishing operations for profit in this state,
31 or who brings fish into this state, or who, for profit, permits persons
32 to fish therefrom, shall submit an application for commercial boat
33 registration on forms provided by the department and shall be
34 issued a registration number.

35 (b) A commercial boat registration may be issued to any resident
36 owner or operator of a vessel upon payment of a base fee of two
37 hundred fifty dollars (\$250). The commercial boat registration
38 shall be carried aboard the vessel at all times, and shall be posted
39 in a conspicuous place.

1 (c) A commercial boat registration may be issued to any
2 nonresident owner or operator of a vessel upon payment of a base
3 fee of seven hundred fifty dollars (\$750). The commercial boat
4 registration shall be carried aboard the vessel at all times and shall
5 be posted in a conspicuous place.

6 (d) If a registered vessel is lost, destroyed, or sold, the owner
7 of the vessel shall immediately report the loss, destruction, or sale
8 to the department.

9 (e) This section does not apply to any person required to be
10 licensed as a guide pursuant to Section 2536.

11 (f) The base fees specified in this section are applicable to the
12 2004 license year, and shall be adjusted annually thereafter
13 pursuant to Section 713.

14 (g) *The commission shall adjust the amount of the fees specified*
15 *in subdivision (f), as necessary, to fully recover, but not exceed,*
16 *all reasonable administrative and implementation costs of the*
17 *department and the commission relating to those licenses.*

18 *SEC. 29. Section 8032 of the Fish and Game Code is amended*
19 *to read:*

20 8032. (a) A commercial fish business license shall be issued
21 which authorizes any or all activities described in Section 8033,
22 8034, 8035, or 8036. The annual fee for this license is one thousand
23 three hundred seventy-three dollars (\$1,373).

24 (b) Specialty licenses for part of, but not all, activities described
25 in subdivision (a) shall be issued in five classes, as follows:

26 (1) Fish receiver's license, issued to any person engaged in the
27 business of receiving fish as provided in Section 8033.

28 (2) Marine aquaria receiver's license, issued to any person
29 engaged in the business of receiving live marine species indigenous
30 to California waters from a person required to be a licensed
31 commercial fisherman for the purpose of wholesaling or retailing
32 those species for pet industry or hobby purposes as provided in
33 Section 8033.1.

34 (3) Fish processor's license, issued to any person engaged in
35 the business of processing fish as provided in Section 8034.

36 (4) Fish wholesaler's license, issued to any person who is
37 engaged in the business of wholesaling fish as provided in Section
38 8035.

39 (5) Fish importer's license, issued to any person who is engaged
40 in the business of importing fish as provided in Section 8036.

1 (c) *The commission shall adjust the amount of the fee specified*
2 *in subdivision (a), as necessary, to fully recover, but not exceed,*
3 *all reasonable administrative and implementation costs of the*
4 *department and the commission relating to those licenses.*

5 *SEC. 30. Section 12000 of the Fish and Game Code is amended*
6 *to read:*

7 12000. (a) Except as expressly provided otherwise in this code,
8 any violation of this code, or of any rule, regulation, or order made
9 or adopted under this code, is *a strict liability offense punishable*
10 *as a misdemeanor.*

11 (b) Notwithstanding subdivision (a), any person who violates
12 any of the following statutes or regulations is guilty of an infraction
13 punishable by a fine of not less than one hundred dollars (\$100)
14 and not to exceed one thousand dollars (\$1,000), or of a
15 misdemeanor:

16 (1) Section 2009.

17 (2) Subdivision (a) of Section 6596.

18 (3) Section 7149.8.

19 (4) Section 7360.

20 (5) Sections 1.14, 1.17, 1.18, 1.62, 1.63, and 1.74 of Title 14 of
21 the California Code of Regulations.

22 (6) Sections 2.00 to 5.95, inclusive, and 7.00 to 8.00, inclusive,
23 of Title 14 of the California Code of Regulations.

24 (7) Sections 27.56 to 30.10, inclusive, of Title 14 of the
25 California Code of Regulations.

26 (8) Sections 40 to 43, inclusive, of Title 14 of the California
27 Code of Regulations.

28 (9) Sections 307, 308, and 311 to 313, inclusive, of Title 14 of
29 the California Code of Regulations.

30 (10) Sections 505, 507 to 510, inclusive, and 550 to 553,
31 inclusive, of Title 14 of the California Code of Regulations.

32 (11) Sections 630 to 630.5, inclusive, of Title 14 of the
33 California Code of Regulations.

34 *SEC. 31. Section 13007 of the Fish and Game Code is amended*
35 *to read:*

36 13007. (a) Notwithstanding Section 13001 and paragraph (1)
37 of subdivision (a) of Section 13005, commencing July 1, 2006,
38 33 1/3 percent of all sport fishing license fees collected pursuant to
39 Article 3 (commencing with Section 7145) of Chapter 1 of Part 2
40 of Division 6, except license fees collected pursuant to Section

1 7149.8, shall be deposited into the Hatchery and Inland Fisheries
2 Fund, which is hereby established in the State Treasury. Moneys
3 in the fund may be expended, upon appropriation by the
4 Legislature, ~~to support programs of the Department of Fish and~~
5 ~~Game related to the management, maintenance, and capital~~
6 ~~improvement of California's fish hatcheries, the Heritage and Wild~~
7 ~~Trout Program, and enforcement activities related thereto, and to~~
8 ~~support other activities eligible to be funded from revenue~~
9 ~~generated by sport fishing license fees for the purposes of~~
10 ~~promoting angling opportunities and the conservation of wild and~~
11 ~~native trout, and ensuring thriving, self-sustaining native trout~~
12 ~~populations throughout their historic ranges consistent with the~~
13 ~~Strategic Plan for Trout Management and Chapter 7.2~~
14 ~~(commencing with Section 1725) of Division 2.~~

15 (b) The sport fishing license fees collected and subject to
16 appropriation pursuant to subdivision (a) shall be used for the
17 following purposes:

18 (1) For the department's attainment of ~~the following a state~~
19 ~~hatchery production goals for state hatcheries goal of 2.75 pounds~~
20 ~~of released trout per sport fishing license sold in the calendar year~~
21 ~~ending two and one-half years earlier, based on the sales of the~~
22 following types of sport fishing licenses: resident; lifetime;
23 nonresident year; nonresident, 10-day; 2-day; 1-day; and reduced
24 fee. ~~The predominant number of released fish shall be of catchable~~
25 ~~size or larger. The department shall attain this goal in compliance~~
26 ~~with Fish and Game Commission trout policies concerning~~
27 ~~catchable-sized trout stocking.~~

28 (A) By July 1, 2007, a minimum of 2.25 pounds of released
29 trout per sport fishing license sold in 2006, 1.75 pounds of which
30 must be of catchable size or larger.

31 (B) By July 1, 2008, a minimum of 2.5 pounds of released trout
32 per sport fishing license sold in 2007, 2.0 pounds of which must
33 be of catchable size or larger.

34 (C) By July 1, 2009, and thereafter, a minimum of 2.75 pounds
35 of released trout per sport fishing license sold in 2008, 2.25 pounds
36 of which must be of catchable size or larger.

37 (D) The department shall attain these goals in compliance with
38 Fish and Game Commission trout policies concerning
39 catchable-sized trout stocking.

1 (2) To the Heritage and Wild Trout Program, two million dollars
2 (\$2,000,000), ~~which shall be used for permanent positions and~~
3 ~~seasonal aides in each region of the state as necessary, and other~~
4 ~~activities necessary to the program.~~ *for the following purposes:*

5 (A) ~~The funds allocated pursuant to this paragraph shall be used~~
6 ~~to fund~~ *At least seven new permanent positions for the Heritage*
7 *and Wild Trout Program.*

8 (B) ~~In addition to the seven new positions specified in~~
9 ~~subparagraph (A), the department may hire~~ *Permanent positions*
10 *and seasonal aides in each region of the state to assist with the*
11 *operations of the Heritage and Wild Trout Program as necessary*
12 *to contribute to the objectives of this section, the objectives of the*
13 *Strategic Plan for Trout Management pursuant to Section 1728,*
14 *and other activities necessary to the program.*

15 (C) *The development of trout management plans pursuant to*
16 *Chapter 7.2 (commencing with Section 1725) of Division 2.*

17 (D) *Up to 25 percent of the funds made available to the Heritage*
18 *and Wild Trout Program may be expended for watershed*
19 *restoration projects, resource assessment, or scientific inquiry.*
20 *The department may enter into contracts with qualified entities*
21 *including local governments, special districts, tribes, and nonprofit*
22 *organizations for the purposes of this subparagraph.*

23 (3) *For the development of the department's Strategic Plan for*
24 *Trout Management pursuant to Section 1728.*

25 ~~(3)~~

26 (4) The department shall, ~~by January 1, 2012,~~ ensure that the
27 numbers of native California trout, as defined in Section 7261,
28 produced are sufficient to equal or exceed 25 percent of the
29 numbers of trout produced by the state fish hatcheries to comply
30 with paragraph (1). The native trout produced in accordance with
31 this paragraph shall support department efforts to protect and
32 restore cold water ecosystems, maintain biological diversity, and
33 provide diverse angling opportunities. Coastal rainbow
34 trout/steelhead produced for anadromous mitigation purposes shall
35 be excluded from contributing to the native trout production goals
36 required by this paragraph. Coastal rainbow trout/steelhead
37 propagated for purposes other than anadromous mitigation and
38 released into their source watersheds may be counted toward the
39 25 percent native trout production goal. Native trout produced
40 shall be naturally indigenous stocks from their original source

1 watersheds. Native trout produced may be released into watersheds
2 other than their original source watershed only if the released trout
3 will cause no harm to other native trout *or other biota* in their
4 original watersheds. ~~The department shall attain the 25 percent~~
5 ~~production goal according to the following schedule:~~

6 ~~(A) By January 1, 2010, 15 percent and at least four species.~~

7 ~~(B) By January 1, 2011, 20 percent and at least four species.~~

8 ~~(C) By January 1, 2012, 25 percent and at least five species.~~

9 ~~(4)~~

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

12 (c) The department may allocate any funds under this section,
13 not necessary to maintain the minimums specified in paragraphs
14 (1) and ~~(3)~~ (4) of subdivision (b), and after the expenditure in
15 paragraph (2) of subdivision (b), to the Fish and Game Preservation
16 Fund.

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

20 (e) A portion of the moneys subject to appropriation pursuant
21 to subdivision (a) may be used for the purpose of obtaining
22 scientifically valid genetic determinations of California native
23 trout stocks, consistent with ~~Theme 1 in the executive summary~~
24 ~~of the department's Strategic Plan for Trout Management,~~
25 ~~published November 2003.~~

26 (f) *The department may obtain hatchery-produced fish from*
27 *privately owned hatcheries located in the state to supplement its*
28 *own hatchery production if the targets specified in subdivision (b)*
29 *are unmet by state hatcheries in any given calendar year, if all of*
30 *the following criteria are satisfied:*

31 (1) *The department, following an inspection, determines that*
32 *the privately owned hatchery is in compliance with operations,*
33 *management, and monitoring standards that are at least as*
34 *stringent as those in effect at state hatcheries, in order to minimize*
35 *the risk of the spread of disease or invasive species into inland*
36 *state waters and fisheries. Prior to stocking of any species in any*
37 *of the state's waters, the production facility shall be inspected and*
38 *certified to be free of all disease, pathogens, and invasive species.*

39 (2) *The cost per fish or per pound of fish provided by privately*
40 *owned hatcheries shall not exceed the cost to the department of*

1 *state hatchery fish, calculated equivalently and including*
2 *transportation costs. Revenues deposited in the Hatchery and*
3 *Inland Fisheries Fund pursuant to subdivision (a) may be used,*
4 *subject to appropriation in accordance with this section.*

5 (f)

6 (g) The department, by July 1, ~~2008~~, 2014, and annually
7 thereafter, shall report to the fiscal and policy committees in the
8 Legislature on the implementation of these provisions.

9 ~~SEC. 13.~~

10 SEC. 32. Section 65042 of the Government Code is amended
11 to read:

12 65042. Every officer, agency, department, or instrumentality
13 of state government, including, but not limited to, all trustee
14 agencies as defined in Section 21070 of the Public Resources Code,
15 shall do all of the following:

16 (a) Cooperate in the preparation and maintenance of the State
17 Environmental Goals and Policy Report.

18 (b) By January 1, 2005, ensure that their entity's functional plan
19 is consistent with the state planning priorities specified pursuant
20 to Section 65041.1 and annually demonstrate to the office, and to
21 the Department of Finance when requesting infrastructure pursuant
22 to subdivision (a) of Section 13102, how the plans are consistent
23 with those priorities.

24 (c) Comply with any request for advice, assistance, information
25 or other material.

26 SEC. 33. *No reimbursement is required by this act pursuant*
27 *to Section 6 of Article XIII B of the California Constitution because*
28 *the only costs that may be incurred by a local agency or school*
29 *district will be incurred because this act creates a new crime or*
30 *infraction, eliminates a crime or infraction, or changes the penalty*
31 *for a crime or infraction, within the meaning of Section 17556 of*
32 *the Government Code, or changes the definition of a crime within*
33 *the meaning of Section 6 of Article XIII B of the California*
34 *Constitution.*