

**ASSEMBLY BILL**

**No. 1527**

---

---

**Introduced by Committee on Water, Parks, and Wildlife (Assembly Members Levine (Chair), Bigelow (Vice Chair), Dahle, Dodd, Beth Gaines, Cristina Garcia, Gomez, Harper, Lopez, Mathis, Medina, Rendon, Ridley-Thomas, and Williams)**

March 18, 2015

---

---

An act to amend Sections of 7, 22, 27, 29, 45, 54, 57, 210, 240, 300, 301, 307, 312, 326, 330, 393, 400, 401, 706, 711.2, 716.3, 853, 854, 857, 1000, 1003, 1014, 1053.5, 1055.3, 1058, 1061, 1227, 1348.3, 1505, 1930, 1932, 1940, 2000, 2001, 2002, 2003, 2005, 2010, 2013, 2015, 2016, 2069, 2119, 2348, 2350, 2363, 2400, 2701, 2729, 2805, 3003, 3004, 3006, 3007, 3033, 3039, 3051, 3052, 3080, 3240.5, 3243.5, 3504, 3511, 4150, 4155, 4700, 4800, 4810, 5000, 5002, 5050, 5515, 6440, 6901, 7183, 7183.1, 7370, 7704, 7856, 7880, 8079.1, 8182, 8281, 8371, 8393, 8563, 10500, 10502, 10503, 10507, 10510, 10513, 10514, 10653, 11020, 11032, 12002.9, 12012, 12013.3, 12151.5, 12155, 12162, 12163, 12164, 12300, 13200, 13220, 14102, 16500, 16520 of, to amend the heading of Division 2 (commencing with Section 700) of, and to add Sections 80 and 89.5 to, the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1527, as introduced, Committee on Water, Parks, and Wildlife. Fish and wildlife.

(1) Existing law includes the Fish and Game Code and provides definitions that govern the construction of the code and all regulations adopted under the code unless the provision or the context otherwise requires. Existing law requires the code to be administered and enforced

through regulations adopted by the Department of Fish and Wildlife, except as otherwise specifically provided by the code, or where the code requires the Fish and Game Commission to adopt regulations.

This bill would make various nonsubstantive, minor substantive, and organizational changes to the code. The bill would provide that, unless the provision or context otherwise requires, a provision of the code that applies to a whole animal also applies to a part of the animal.

(2) Under existing law, certain provisions of the code apply to fish, birds, mammals, and either reptiles or amphibians. These provisions include various requirements and prohibitions relative to the take and possession of those animals. A violation of the code, or of any rule, regulation, or order made or adopted under the code, is a crime.

This bill would apply those provisions to both reptiles and amphibians. By applying certain provisions relative to the take and possession of certain animals to include both reptiles and amphibians, the violation of which would be a crime, this bill would impose a state-mandated local program.

(3) 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: yes.

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

- 1 SECTION 1. Section 7 of the Fish and Game Code is amended
- 2 to read:
- 3 7. Whenever ~~any~~ a statement or report is required to be made,
- 4 it shall be made in the English language. *Nothing in this section*
- 5 *shall prohibit the department from providing an unofficial*
- 6 *translation of a statement or report in a language other than*
- 7 *English.*
- 8 SEC. 2. Section 22 of the Fish and Game Code is amended to
- 9 read:
- 10 22. “Bird” means ~~any~~ a wild bird or ~~any part thereof.~~ *of a wild*
- 11 *bird.*
- 12 SEC. 3. Section 27 of the Fish and Game Code is amended to
- 13 read:

1 27. “Chumming” means the placing in the water of fish, ~~parts~~  
2 ~~of fish~~, or other material upon which fish feed, for the purpose of  
3 attracting fish to a particular area in order that they may be taken.

4 SEC. 4. Section 29 of the Fish and Game Code is amended to  
5 read:

6 29. “Closed season” means that period of time during which  
7 the taking of birds, mammals, fish, ~~or amphibia~~ *amphibians*, or  
8 *reptiles* is prohibited.

9 SEC. 5. Section 45 of the Fish and Game Code is amended to  
10 read:

11 45. “Fish” means *a* wild fish, ~~mollusks, crustaceans,~~  
12 ~~invertebrates, or amphibians, including any mollusk, crustacean,~~  
13 *invertebrate, amphibian, or part, spawn, or ova thereof. ovum of*  
14 *any of those animals.*

15 SEC. 6. Section 54 of the Fish and Game Code is amended to  
16 read:

17 54. “Mammal” means ~~any~~ *a* wild or feral mammal or ~~any part~~  
18 ~~thereof, of a wild or feral animal~~, but not ~~any~~ *a* wild, feral, or  
19 undomesticated burro.

20 SEC. 7. Section 57 of the Fish and Game Code is amended to  
21 read:

22 57. “Nonresident” means ~~any~~ *a* person who ~~has not resided~~  
23 ~~continuously in the State of California for six months immediately~~  
24 ~~prior to the date of his application for a license or permit. is not a~~  
25 *resident as defined in Section 70.*

26 SEC. 8. Section 80 is added to the Fish and Game Code, to  
27 read:

28 80. Unless the provision or context otherwise requires, a  
29 provision of this code that applies to a whole animal also applies  
30 to a part of the animal.

31 SEC. 9. Section 89.5 is added to the Fish and Game Code, to  
32 read:

33 89.5. “Wildlife” means and includes all wild animals, birds,  
34 plants, fish, amphibians, reptiles, and related ecological  
35 communities, including the habitat upon which the wildlife depends  
36 for its continued viability.

37 SEC. 10. Section 210 of the Fish and Game Code is amended  
38 to read:

39 210. (a) The commission shall provide copies of the regulations  
40 added, amended, or repealed pursuant to ~~subdivision (e) of Section~~

1 206, subdivision (e) of Section 207, and subdivision (d) of Section  
2 208 207 to each county clerk, each district attorney, and each judge  
3 of the superior court in the state.

4 (b) The commission and the department may do anything that  
5 is deemed necessary and proper to publicize and distribute  
6 regulations so that persons likely to be affected will be informed  
7 of them. The failure of the commission to provide any notice of  
8 its regulations, other than by filing them in accordance with Section  
9 215, shall not impair the validity of the regulations.

10 (c) The department or the license agent may give a copy of the  
11 current applicable published regulations to each person issued a  
12 license at the time the license is issued.

13 (d) Notwithstanding any other provision of law, the commission  
14 and the department may contract with private entities to print  
15 regulations and other regulatory and public information. Printing  
16 contracts authorized by this subdivision and for which no state  
17 funds are expended are not subject to Chapter 2 (commencing with  
18 Section 10290) of Part 2 of Division 2 of the Public Contract Code,  
19 except for Article 2 (commencing with Section 10295) of Chapter  
20 2.

21 SEC. 11. Section 240 of the Fish and Game Code is amended  
22 to read:

23 240. (a) Notwithstanding any other ~~provisions~~ *provision* of  
24 this code, the commission, when promulgating ~~regulations~~ *a*  
25 *regulation* pursuant to any authority otherwise vested in it by this  
26 code, may, after at least one hearing, adopt an emergency regulation  
27 or order of repeal pursuant to Section 11346.1 of the Government  
28 Code if it makes either of the following findings:

29 (1) That the adoption of a regulation or order of repeal of a  
30 regulation is necessary for the immediate conservation,  
31 preservation, or protection of birds, mammals, reptiles, *amphibians*,  
32 or fish, ~~including, but not limited to, any nests or eggs thereof. or~~  
33 *their nests or eggs.*

34 (2) That the adoption of a regulation or order of repeal of a  
35 regulation is necessary for the immediate preservation of the public  
36 peace, health and safety, or general welfare.

37 (b) Except as provided herein, ~~any~~ *a* regulation or order of repeal  
38 adopted pursuant to the provisions of this section shall be otherwise  
39 subject to review by the Office of Administrative Law conducted

1 pursuant to Article 6 (commencing with Section 11349) of Chapter  
2 3.5 of Part 1 of Division 3 of Title 2 of the Government Code.

3 SEC. 12. Section 300 of the Fish and Game Code is amended  
4 to read:

5 300. ~~Any~~ A regulation issued under any subsequent provisions  
6 ~~of adopted pursuant to~~ this code shall be filed with the Secretary  
7 of State, as required by Chapter ~~4~~ 3.5 (commencing with Section  
8 ~~11370~~), ~~11340~~) of Part ~~1~~, ~~1~~ of Division ~~3~~, ~~3~~ of Title ~~2~~, ~~2~~ of the  
9 Government Code.

10 SEC. 13. Section 301 of the Fish and Game Code is amended  
11 to read:

12 301. The commission may ~~make such~~ *adopt* regulations ~~as that~~  
13 it deems necessary for the disposition of birds or mammals ~~and~~  
14 ~~parts thereof which~~ *that* are killed accidentally.

15 SEC. 14. Section 307 of the Fish and Game Code is amended  
16 to read:

17 307. (a) Whenever after due investigation the commission  
18 ~~shall find~~ *finds* that game fish, resident or migratory birds, game  
19 or fur-bearing mammals, ~~or amphibia~~ *amphibians*, ~~or reptiles~~ have  
20 decreased in numbers in ~~any areas, districts, or portions thereof~~  
21 *an area, district, or portion of an area or district* to ~~such an~~ *the*  
22 extent that a scarcity exists, the commission may reduce the daily  
23 bag limit and the possession limit on ~~such those~~ game fish, birds,  
24 mammals, ~~or amphibia~~ *as amphibians*, ~~or reptiles~~ that are in danger  
25 of depletion, for ~~such a~~ period of time ~~as may be specified~~ *that the*  
26 *commission may specify*, or until ~~such time~~ as new legislation  
27 ~~thereon enacted by the Legislature may become~~ *addressing the*  
28 *scarcity becomes* effective.

29 ~~Any~~

30 (b) A regulation issued under the provisions of ~~adopted pursuant~~  
31 *to* this section shall be filed with the Secretary of State, and ~~such~~  
32 *that* filing shall be deemed a legal notice thereof.

33 ~~Such~~

34 (c) *The* regulation shall be published twice in at least one  
35 newspaper of general circulation in ~~any every~~ county affected by  
36 ~~such the~~ order. The publications shall be separated by a period of  
37 not less than one week and not more than two weeks. ~~Such~~ *The*  
38 regulation shall be posted in such public places in each county as  
39 the director may direct.

1 SEC. 15. Section 312 of the Fish and Game Code is amended  
 2 to read:

3 312. (a) The commission may issue a permit authorizing any  
 4 member of the armed forces of the United States or any student  
 5 or faculty member of an elementary or secondary school in the  
 6 public school system actually assigned to, and participating in, an  
 7 organized survival training course to take fish, ~~amphibia,~~  
 8 *amphibians, reptiles*, birds, or mammals, except rare or endangered  
 9 species, notwithstanding any other law or regulation, pursuant to  
 10 the terms and conditions of ~~such~~ that permit. A permit involving  
 11 training by the armed forces of the United States shall be issued  
 12 to the commanding officer of the unit having jurisdiction over the  
 13 conduct of the survival training course. A permit involving training  
 14 by an elementary or secondary school in the public school system  
 15 shall be issued to the governing board or superintendent of the  
 16 district having jurisdiction over ~~such~~ that school and the conduct  
 17 of the survival training course. A permit shall be applicable only  
 18 to the area established for ~~such~~ that survival training as designated  
 19 by the commission in the permit and for the species and numbers  
 20 designated in the permit.

21 ~~The~~

22 (b) ~~The~~ commission may revise ~~any conditions~~ a condition of  
 23 a permit if it finds ~~such~~ revision is necessary to properly protect  
 24 the fish, ~~amphibia,~~ *amphibians, reptiles*, birds, or mammals in the  
 25 area.

26 ~~The~~

27 (c) ~~The~~ term of ~~such~~ a permit issued pursuant to subdivision (a)  
 28 shall be for not more than a calendar year.

29 ~~A~~

30 (d) A report shall be submitted on the expiration of the permit  
 31 period *specified pursuant to subdivision (c)*, or as otherwise  
 32 required by the commission, of all fish, ~~amphibia,~~ *amphibians,*  
 33 *reptiles*, birds, or mammals taken during the period covered by  
 34 the report in each permit area. ~~No~~ A new permit ~~may~~ shall not be  
 35 issued until ~~such~~ the report has been submitted and ~~any~~ an existing  
 36 permit may be canceled if ~~such~~ a report is not submitted when  
 37 required by the commission.

38 ~~No~~

39 (e) A person engaged in ~~such~~ survival training taking ~~fish,~~  
 40 ~~amphibia, birds, or mammals~~ a fish, *amphibian, reptile, bird, or*

1 mammal pursuant to ~~such~~ a permit ~~may~~ issued under this section  
2 shall not use ~~any~~ a firearm, bow and arrow, steel trap, explosive,  
3 chemical, poison, drug, ~~net~~ net, or fish ~~tackle~~ tackle, except ~~hooks~~  
4 ~~or handlines~~ or that hooks, handlines, and improvised poles and  
5 lines for the taking of may be used to take fish.

6 SEC. 16. Section 326 of the Fish and Game Code is amended  
7 to read:

8 326. ~~Prior to the making of such~~ Before adopting a regulation  
9 pursuant to Section 325, the commission at an open meeting shall  
10 publicly announce the contents of the proposed ~~regulation~~  
11 regulation, and fix a time and place at which for a hearing on the  
12 proposed ~~order shall be held~~. regulation in each county that would  
13 be affected by the regulation. The time for each hearing shall be  
14 not less than at least 21 days from the day of the meeting after the  
15 announcement, and the place shall be the county seat of ~~each of~~  
16 the counties affected. the affected county.

17 SEC. 17. Section 330 of the Fish and Game Code is amended  
18 to read:

19 330. Cooperative hunting areas, as described in ~~Sections 1570~~  
20 ~~to 1572~~, Section 1575, may be established in connection with any  
21 area opened to hunting under the ~~foregoing~~ provisions of this  
22 article.

23 SEC. 18. Section 393 of the Fish and Game Code is amended  
24 to read:

25 393. (a) ~~Any~~ A regularly employed law enforcement officer  
26 of an Oregon, Nevada, or Arizona state law enforcement agency,  
27 including, but not limited to, the Oregon State Police, the Nevada  
28 Department of Wildlife, or the Arizona Game and Fish Department,  
29 is a peace officer in this ~~state~~ state, if all of the following conditions  
30 are met:

31 (1) The officer is providing, or attempting to provide, law  
32 enforcement services within this state, within a distance of up to  
33 50 statute miles of the contiguous border of this state and the state  
34 employing the officer, or within waters offshore of this state in the  
35 Exclusive Economic Zone.

36 (2) The officer is providing, or attempting to provide, law  
37 enforcement services pursuant to either of the following:

38 (A) In response to a request for services initiated by a member  
39 of the department.

1 (B) In response to a reasonable belief that emergency law  
 2 enforcement services are necessary for the preservation of life,  
 3 and a request for services by a member of the ~~Department of Fish~~  
 4 ~~and Game~~ *department* is impractical to obtain under the  
 5 circumstances. In those situations, the officer shall obtain  
 6 authorization as soon as practical.

7 (3) The officer is providing, or attempting to provide, law  
 8 enforcement services for the purpose of assisting a member of the  
 9 ~~Department of Fish and Game~~ *department* in response to  
 10 misdemeanor or felony criminal activity, pursuant to the authority  
 11 of a peace officer as provided in subdivision (e) of Section 830.2  
 12 of the Penal Code, or, in the event of *an* emergency ~~incidents~~  
 13 *incident* or other similar public safety ~~problems,~~ *problem*, whether  
 14 or not a member of the department is present at the scene of the  
 15 event.

16 (4) An agreement pursuant to Section 392 is in effect between  
 17 the ~~Department of Fish and Game~~ *department* and the agency of  
 18 the adjoining state employing the officer, the officer acts in  
 19 accordance with that agreement, and the agreement specifies that  
 20 the officer and employing agency of the adjoining state shall be  
 21 subject to the same civil immunities and liabilities as a peace  
 22 officer and his or her employing agency in this state.

23 (5) The officer receives no separate compensation from this  
 24 state for providing law enforcement services within this state.

25 (6) The adjoining state employing the officer confers similar  
 26 rights and authority upon a member of the department who renders  
 27 assistance within that state.

28 (b) Notwithstanding any other provision of law, ~~any~~ *a* person  
 29 who is acting as a peace officer in this state in the manner described  
 30 in this section shall be deemed to have met the requirements of  
 31 Section 1031 of the Government Code and the selection and  
 32 training standards of the Commission on Peace Officer Standards  
 33 and ~~Training~~ *Training*, if the officer has completed the basic  
 34 training required for peace officers in his or her state.

35 (c) A peace officer of an adjoining state shall not provide  
 36 services within a California jurisdiction during ~~any~~ *a* period in  
 37 which officers of the department are involved in a labor dispute  
 38 that results in a formal work slowdown or stoppage.

39 SEC. 19. Section 400 of the Fish and Game Code is amended  
 40 to read:

1 400. The State of California hereby assents to the provisions  
 2 of the act of Congress entitled “An act to provide that the United  
 3 States shall aid the states in wildlife-restoration projects, and for  
 4 other purposes,” approved September 2, 1937 (Public Law 415,  
 5 ~~Seventy-fifth Congress~~), and the *75th Congress*). *The* department,  
 6 with the approval of the commission, shall perform ~~such acts as~~  
 7 ~~may be necessary to the conduct and establishment of any acts~~  
 8 *needed to conduct or establish* cooperative wildlife-restoration  
 9 projects, as defined in ~~such that~~ *that* act of Congress, in compliance  
 10 with ~~such that~~ *that* act and rules and regulations ~~promulgated~~  
 11 ~~thereunder; adopted under that act~~, and ~~no~~ funds accruing to the  
 12 State of California from license fees paid by hunters shall *not* be  
 13 diverted for ~~any other a purpose other~~ *than the administration of*  
 14 ~~the Department of Fish and Game department~~ and ~~for the~~  
 15 protection, propagation, preservation, and investigation of fish and  
 16 ~~game: wildlife.~~

17 SEC. 20. Section 401 of the Fish and Game Code is amended  
 18 to read:

19 401. The State of California hereby assents to the provisions  
 20 of the act of Congress entitled “An act to provide that the United  
 21 States shall aid the states in fish restoration and management  
 22 projects, and for other purposes,” approved August 9, 1950 (Public  
 23 Law 681, ~~Eighty-first Congress~~), and the *81st Congress*). *The*  
 24 department, with the approval of the commission, may perform  
 25 ~~such acts as may be necessary to the conduct and establishment~~  
 26 ~~of any acts needed to conduct or establish~~ cooperative fish  
 27 restoration projects, as defined in ~~said that~~ *that* act of Congress, in  
 28 compliance with ~~said that~~ *that* act and rules and regulations  
 29 ~~promulgated thereunder; adopted under that act~~, and ~~no~~ funds  
 30 accruing to the State of California from license fees paid by  
 31 fishermen shall *not* be diverted for ~~any other a purpose other~~  
 32 ~~the administration of the Department of Fish and Game department~~  
 33 and ~~for the~~ protection, propagation, preservation, and investigation  
 34 of fish and ~~game: wildlife.~~

35 SEC. 21. The heading of Division 2 (commencing with Section  
 36 700) of the Fish and Game Code is amended to read:

37  
 38 DIVISION 2. DEPARTMENT OF FISH AND GAME  
 39 WILDLIFE  
 40

1 SEC. 22. Section 706 of the Fish and Game Code is amended  
2 to read:

3 706. The provisions of Chapter 2 (commencing at Section  
4 ~~11150~~), ~~11150~~) of Part ~~4~~, ~~1~~ of Division ~~3~~, ~~3~~ of Title 2 of the  
5 Government Code shall govern and apply to the conduct of the  
6 department in every ~~respect the same as if such provisions were~~  
7 ~~herein set forth at length, and wherever~~ *respect. Whenever* in that  
8 chapter the term “head of the department” or similar designation  
9 occurs, for the purposes of this section it shall mean the director.

10 SEC. 23. Section 711.2 of the Fish and Game Code is amended  
11 to read:

12 711.2. (a) For purposes of this code, unless the context  
13 otherwise requires, ~~“wildlife” means and includes all wild animals,~~  
14 ~~birds, plants, fish, amphibians, reptiles, and related ecological~~  
15 ~~communities, including the habitat upon which the wildlife depends~~  
16 ~~for its continued viability and~~ “project” has the same meaning as  
17 defined in Section 21065 of the Public Resources Code.

18 (b) For purposes of this article, “person” includes any individual,  
19 firm, association, organization, partnership, business, trust,  
20 corporation, limited liability company, company, district, city,  
21 county, city and county, town, the state, and any of the agencies  
22 of those entities.

23 SEC. 24. Section 716.3 of the Fish and Game Code is amended  
24 to read:

25 716.3. For purposes of this chapter, the following terms have  
26 the following meanings:

27 (a) “Board” means the board of compact administrators  
28 established pursuant to Section 716.8.

29 (b) “Citation” means any summons, complaint, ticket, penalty  
30 assessment, or other official document issued to a person by a  
31 wildlife officer or other peace officer for a wildlife violation  
32 pertaining to sport fishing, hunting, or trapping, which contains  
33 an order requiring the person to respond.

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

38 (d) “Compact manual” is a manual used and adopted by the  
39 participating states that prescribes the procedures to be followed

1 in administering the wildlife violator compact in participating  
2 states.

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

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

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

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

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

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

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

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

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

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

38 (o) “Suspension” means any revocation, denial, or withdrawal  
39 of any or all license privileges, including the privilege to apply

1 for, purchase, or exercise the benefits conferred by any license for  
 2 sport fishing, hunting, or trapping.

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

5 (q) “Wildlife” means all species of animals including, but not  
 6 limited to, mammals, birds, fish, reptiles, amphibians, mollusks,  
 7 and crustaceans, which are defined as “wildlife” and are protected  
 8 or otherwise regulated by statute, ordinance, or administrative rule  
 9 or regulation in a participating state. The species included in the  
 10 definition of “wildlife” vary from state to state and the  
 11 determination of whether a species is “wildlife” for the purposes  
 12 of this compact shall be based on the law of the participating state.

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

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

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

23 SEC. 25. Section 853 of the Fish and Game Code is amended  
 24 to read:

25 853. (a) The director may deputize any employee of the  
 26 department to check persons for licenses required under Section  
 27 7145 and to enforce any violation of that section. ~~Before~~

28 (b) ~~Before~~ a person is deputized pursuant to this section for the  
 29 first time, the person shall have satisfactorily completed a training  
 30 course meeting the minimum standards of, and comparable to, the  
 31 training for “level III reserve” as set forth in the regulations of the  
 32 Commission on Peace Officer Standards and Training. ~~Any~~

33 (c) A person, who is deputized for ~~this~~ *the* limited purpose  
 34 pursuant to this section, ~~may stated in subdivision (a) shall not~~  
 35 enforce any other provision of this code, ~~and is not code.~~ *Being*  
 36 *deputized under this section does not make a person* a peace officer  
 37 subject to Chapter 4.5 (commencing with Section 830) of Title 3  
 38 of Part 2 of the Penal Code.

39 SEC. 26. Section 854 of the Fish and Game Code is amended  
 40 to read:

1 854. Notwithstanding Section 18932 of the Government Code,  
2 the minimum age limit for appointment to the position of fish and  
3 game warden of the ~~Department of Fish and Game~~ *department*  
4 shall be 18 years. ~~Any~~ *An* examination for the position of warden  
5 shall require a demonstration of the physical ability to effectively  
6 carry out the duties and responsibilities of the position in a manner  
7 that would not inordinately endanger the health or safety of ~~any a~~  
8 warden or ~~the health and safety of others.~~ *any other person.*

9 SEC. 27. Section 857 of the Fish and Game Code is amended  
10 to read:

11 857. (a) Notwithstanding any other provision of law, the status  
12 of a person as an employee, agent, or licensee of the department  
13 does not confer upon that person a special right or privilege to  
14 knowingly enter private land without ~~either~~ the consent of the  
15 ~~owner or owner,~~ a search warrant, *or* an inspection warrant.

16 (b) ~~(1)~~ Subdivision (a) does not apply to employees, agents, or  
17 licensees of the department in the event of an emergency. For  
18 purposes of this section, “emergency” means a sudden, unexpected  
19 occurrence, involving a clear and imminent danger demanding  
20 immediate action to prevent or mitigate loss of, or damage to,  
21 wildlife, wildlife resources, or wildlife habitat.

22 ~~(2)~~

23 (c) Subdivision (a) does not apply to a sworn peace officer  
24 authorized pursuant to subdivision (e) of Section 830.2 of the Penal  
25 Code or, if necessary for law enforcement purposes, to other  
26 departmental personnel accompanying a sworn peace officer.  
27 Subdivision (a) shall not be construed to define or alter any  
28 authority conferred on those peace officers by any other law or  
29 court decision.

30 ~~(3)~~

31 (d) Subdivision (a) does not apply to, or interfere with, the  
32 authority of employees or licensees to enter and inspect land in  
33 conformance with Section 4604 of the Public Resources Code.

34 ~~This~~

35 (e) *This* section is not intended to expand or constrain the  
36 authority, if any, of employees, agents, or licensees of the  
37 department to enter private land to conduct inspections pursuant  
38 to Section 7702 of this code or Section 8670.5, 8670.7, or 8670.10  
39 of the Government Code.

40 ~~(e)~~

1 (f) If the department conducts a survey or evaluation of private  
2 land that results in the preparation of a document or report, the  
3 department shall, upon request and without undue delay, provide  
4 either a copy of the report or a written explanation of the  
5 department's legal authority for denying the request. The  
6 department may charge a fee for each copy, not to exceed the direct  
7 costs of duplication.

8 SEC. 28. Section 1000 of the Fish and Game Code is amended  
9 to read:

10 1000. The department shall expend ~~such funds as may be~~  
11 necessary for biological research and field investigation and for  
12 the collection and diffusion of ~~such~~ statistics and information ~~as~~  
13 ~~shall~~ *that* pertain to the conservation, propagation, protection, and  
14 perpetuation of birds and ~~the their~~ nests and ~~eggs thereof,~~ *eggs,*  
15 and of mammals, reptiles, *amphibians,* and fish.

16 SEC. 29. Section 1003 of the Fish and Game Code is amended  
17 to read:

18 1003. Mammals, ~~birds,~~ *birds* and ~~the nest and eggs thereof,~~  
19 *their nests and eggs,* fish and ~~eggs thereof,~~ *their eggs,* reptiles,  
20 *amphibians,* mollusks, crustaceans, or any other form of plant or  
21 animal life taken under the provisions of ~~such~~ a scientific or  
22 propagation permit *issued pursuant to Section 1002* may be shipped  
23 or transported anywhere within or without the state if prior written  
24 approval is obtained from the department and ~~each such~~ *the*  
25 shipment is accompanied by the name, address, and permit number  
26 of the person holding the scientific or propagation permit.

27 SEC. 30. Section 1014 of the Fish and Game Code is amended  
28 to read:

29 1014. ~~In the event~~ *If* the Department of Parks and Recreation  
30 contracts with the federal government pursuant to Public Law  
31 89-161 for the administration of recreation development or fish  
32 and wildlife enhancement facilities, as authorized by Section  
33 5006.6 of the Public Resources Code, the Department of Fish and  
34 ~~Game Wildlife~~ is authorized to operate, ~~maintain~~ *maintain,* and  
35 replace those facilities designated as fish and wildlife enhancement  
36 facilities and to assume all costs of ~~such that~~ operation,  
37 ~~maintenance~~ *maintenance,* and replacement, subject to  
38 appropriation of funds by the Legislature.

39 SEC. 31. Section 1053.5 of the Fish and Game Code is  
40 amended to read:

1 1053.5. Applicants for hunting licenses pursuant to subdivision  
2 (a) of Section 1053 shall first satisfactorily complete a hunter  
3 education equivalency examination and obtain a certificate of  
4 equivalency as provided by regulations adopted by the commission,  
5 or show proof of completion of a hunter education training course,  
6 or show a previous year's hunting license.

7 SEC. 32. Section 1055.3 of the Fish and Game Code is  
8 amended to read:

9 1055.3. The department may authorize any ~~person, except~~  
10 *person other than* a commissioner or an officer or employee of  
11 ~~the department, department~~ to issue, as an agent of the department,  
12 annual wildlife area passes and native species stamps, and to sell  
13 promotional materials and nature study aids pursuant to, and subject  
14 to the requirements of, this article. ~~Any~~ An agent thus authorized  
15 may add a handling charge pursuant to ~~subdivision (b)~~ subdivisions  
16 (f), (g), and (h) of Section 1055 or subdivisions (d), (e), and (f) of  
17 Section 1055.1 to the fee prescribed in Article 3 (commencing  
18 with Section 1760) of Chapter 7.5 of Division 2 for each annual  
19 wildlife area pass or native species stamp issued.

20 SEC. 33. Section 1058 of the Fish and Game Code is amended  
21 to read:

22 1058. In case of an assignment for the benefit of creditors,  
23 receivership, or bankruptcy, the state shall have a preferred claim  
24 against the license *agent's* assignee, receiver, or trustee for all  
25 moneys owing the state for the issuing of licenses, permits,  
26 reservations, tags, and other entitlements as provided in this code  
27 and shall not be estopped from asserting that claim by reason of  
28 the commingling of funds or otherwise.

29 SEC. 34. Section 1061 of the Fish and Game Code is amended  
30 to read:

31 1061. (a) The department may allow a person to purchase a  
32 license voucher as a gift for a licensee when the licensee's complete  
33 and accurate personal information, as defined in regulation, is not  
34 provided by the license buyer at the time of purchase.

35 (b) A license purchase voucher entitles the holder of the voucher  
36 to redeem it for the specific license, permit, tag, or other privilege  
37 or entitlement, and license year for which it was purchased.

38 (c) A license purchase voucher shall expire and be considered  
39 void if not redeemed within the license year for which it was  
40 purchased.

1 (d) A license purchase voucher may be issued and redeemed  
2 by ~~any a~~ person authorized by the department to issue licenses.

3 (e) The license agent handling fee, as provided under ~~subdivision~~  
4 ~~(b)~~ *subdivisions (d), (e), and (f)* of Section 1055.1, shall only apply  
5 to the sale of the license purchase voucher.

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

9 SEC. 35. Section 1227 of the Fish and Game Code is amended  
10 to read:

11 1227. Notwithstanding any other ~~provision~~ of law, the  
12 department may enter into one or more agreements with ~~any a~~  
13 person, nonprofit organization, or other public or private entity,  
14 as may be appropriate, to assist the department in its efforts to  
15 secure long-term private funding sources for purposes relating to  
16 conservation programs, projects, and activities by the department.  
17 The authority to enter into ~~agreements for the purposes of an~~  
18 *agreement under* this section shall include, but not be limited to,  
19 ~~for the purposes of securing the authority to secure~~ donations,  
20 memberships, corporate and individual sponsorships, and marketing  
21 and licensing agreements.

22 SEC. 36. Section 1348.3 of the Fish and Game Code is  
23 amended to read:

24 1348.3. (a) No governmental entity may condemn any wildlife  
25 conservation easement acquired by a state agency, except as  
26 provided in subdivision (b). As used in this section, the following  
27 terms have the following meanings:

28 (1) "Public use" as used in Article 6 (commencing with Section  
29 1240.510) and Article 7 (commencing with Section 1240.610) of  
30 Chapter 3 of Title 7 of Part 3 of the Code of Civil Procedure means  
31 privately owned lands managed for habitat in public trust.

32 (2) "Wildlife" has the same meaning as set forth in Section  
33 ~~711.2~~ 89.5.

34 (3) "Wildlife conservation easement" means a recorded  
35 conservation easement, as defined in Section 815.1 of the Civil  
36 Code, that exists or will exist for at least 10 years and that is  
37 acquired and held by a state agency and administered primarily  
38 for the benefit of wildlife.

39 (b) Prior to the initiation by a governmental entity of  
40 condemnation proceedings against a wildlife conservation easement

1 acquired by a state agency, the governmental entity shall give  
2 notice to the holder of the easement, provide an opportunity for  
3 the holder of the easement to consult with the governmental  
4 agency, provide the holder of the easement the opportunity to state  
5 its objections to the condemnation, and provide a response to the  
6 objections. Article 6 (commencing with Section 1240.510) and  
7 Article 7 (commencing with Section 1240.610) of Chapter 3 of  
8 Title 7 of Part 3 of the Code of Civil Procedure shall apply to  
9 condemnation proceedings initiated by a governmental entity  
10 against a wildlife conservation easement acquired by a state agency.  
11 In those proceedings, the condemning governmental entity shall  
12 be required to prove by clear and convincing evidence that its  
13 proposed use satisfies the requirements of Article 6 (commencing  
14 with Section 1240.510) or Article 7 (commencing with Section  
15 1240.610) of Chapter 3 of Title 7 of Part 3 of the Code of Civil  
16 Procedure.

17 SEC. 37. Section 1505 of the Fish and Game Code is amended  
18 to read:

19 1505. ~~In addition to any other powers vested in the department,~~  
20 ~~it (a) The department may manage, control control, and protect~~  
21 ~~such the portions of the following spawning areas which that~~  
22 ~~occupy state-owned lands lands, to the extent necessary to protect~~  
23 ~~fishlife in these areas. In the event of any conflict under this section~~  
24 ~~with the action of another department or agency of the state or any~~  
25 ~~other public agency, the action of the Department of Fish and~~  
26 ~~Game taken pursuant to this section shall prevail except for: (a)~~  
27 ~~action of the state or regional water quality control boards in~~  
28 ~~establishing waste discharge requirements, (b) action as required~~  
29 ~~for commerce and navigation, (c) action by public agencies~~  
30 ~~reasonably necessary for bridge crossings, water conservation or~~  
31 ~~utilization, or flood protection projects, including the construction,~~  
32 ~~maintenance, and operation thereof. The exceptions in subdivision~~  
33 ~~(e) shall not extend to the depositing of materials, other than~~  
34 ~~necessary structural materials, in, or the removing of materials~~  
35 ~~from the streambeds in the areas designated in this section, other~~  
36 ~~than as necessary for the installation of structures. These areas are:~~  
37 ~~areas:~~

38 (1) *The Sacramento River between Keswick and Squaw Hill*  
39 *Bridge, near Vina.*

40 ~~The~~

- 1     (2) *The* Feather River between Oroville and the mouth of Honcut
- 2     Creek.
- 3     ~~The~~
- 4     (3) *The* Yuba River between Englebright Dam and a point
- 5     approximately four miles east of Marysville.
- 6     ~~The~~
- 7     (4) *The* American River between Nimbus Dam and a point one
- 8     mile downstream from Arden Way.
- 9     ~~The~~
- 10    (5) *The* Mokelumne River between Pardee Dam and Lockeford.
- 11    ~~The~~
- 12    (6) *The* Stanislaus River between Goodwin Dam and Riverbank.
- 13    ~~The~~
- 14    (7) *The* Tuolumne River between La Grange Dam and the Geer
- 15    Road (J14) Bridge.
- 16    ~~The~~
- 17    (8) *The* Merced River between Crocker Huffman Dam and
- 18    Cressey.
- 19    ~~The~~
- 20    (9) *The* Trinity River between Lewiston Dam and the confluence
- 21    of the North Fork Trinity, near Helena.
- 22    ~~The~~
- 23    (10) *The* Eel River, from Fort Seward to Lake Pillsbury.
- 24    ~~The~~
- 25    (11) *The* South Fork Eel River.
- 26    ~~The~~
- 27    (12) *The* Middle Fork Smith River, from its mouth to Knopti
- 28    Creek.
- 29    ~~The~~
- 30    (13) *The* South Fork Smith River, from its mouth to Harrington
- 31    Creek.
- 32    ~~The~~
- 33    (14) *The* Salmon River, from its mouth to Rush Creek on the
- 34    South Fork Salmon River, to Carter Meadow on the east fork of
- 35    the South Fork Salmon River, and to Finley Camp on the North
- 36    Fork Salmon River.
- 37    ~~Battle~~
- 38    (15) *Battle* Creek, from its mouth to Coleman Powerhouse.
- 39    ~~The~~

1 (16) *The* Cosumnes River, from Meiss Road Bridge to Latrobe  
2 Road Bridge.

3 ~~The~~

4 (17) *The* Van Duzen River, from Yager Creek to the falls 1 ½  
5 miles above Bloody Run Creek.

6 ~~The~~

7 (18) *The* Mad River, from Blue Lake Bridge to Bug Creek.

8 ~~The~~

9 (19) *The* Middle Fork Eel River.

10 ~~The~~

11 (20) *The* Mattole River.

12 ~~The~~

13 (21) *The* Noyo River.

14 ~~The~~

15 (22) *The* Big River, Mendocino County.

16 ~~The~~

17 (23) *The* Gualala River.

18 ~~The~~

19 (24) *The* Garcia River, Mendocino County.

20 ~~Until ownership of any land in these areas has been legally~~  
21 ~~determined, the~~

22 (b) *In the event of a conflict between an action of the department*  
23 *pursuant to this section and the action of another department or*  
24 *agency of the state or another public agency, the action of the*  
25 *Department of Fish and Wildlife taken pursuant to this section*  
26 *shall prevail, except in the event of conflict with the following*  
27 *actions:*

28 (1) *An action of the state or regional water quality control*  
29 *boards in establishing waste discharge requirements.*

30 (2) *An action required for commerce and navigation.*

31 (3) *An action by a public agency that is reasonably necessary*  
32 *for bridge crossings, water conservation or utilization, or flood*  
33 *protection projects, including the construction, maintenance, and*  
34 *operation thereof. This paragraph shall not apply to the depositing*  
35 *of materials, other than necessary structural materials, in, or the*  
36 *removing of materials from the streambeds in the areas designated*  
37 *in this section, other than as necessary for the installation of*  
38 *structures.*

39 (c) *The director shall disapprove*~~any a stream alterations~~  
40 ~~alteration of any a prime salmon and or steelhead spawning areas~~

1 *area on land of which ownership has not been legally determined,*  
2 *when in his the director's opinion such alterations the alteration*  
3 *would prove deleterious to fishlife.*

4 SEC. 38. Section 1930 of the Fish and Game Code is amended  
5 to read:

6 1930. The Legislature finds and declares that:

7 (a) Areas containing diverse ecological and geological  
8 characteristics are vital to the continual health and well being of  
9 the state's natural resources and of its citizens.

10 (b) Many habitats and ecosystems that constitute the state's  
11 natural diversity are in danger of being lost.

12 (c) Connectivity between wildlife habitats is important to the  
13 long-term viability of the state's biodiversity.

14 (d) Increasingly fragmented habitats threaten the state's wildlife  
15 species.

16 (e) There is insufficient incentive for private landowners to  
17 maintain and perpetuate significant local natural areas in their  
18 natural state.

19 (f) Efforts to preserve natural areas have been fragmented  
20 between federal, state, local, and private sectors.

21 (g) Analysis of the state's habitat connectivity benefits from the  
22 consideration of all relevant data, including information from  
23 private and public landowners.

24 (h) ~~The Department of Fish and Game's~~ *department's* existing  
25 mapping activities and products should be developed and sustained.

26 SEC. 39. Section 1932 of the Fish and Game Code is amended  
27 to read:

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

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

38 (b) Develop and maintain a spatial data system that identifies  
39 those areas in the state that are most essential for maintaining  
40 habitat connectivity, including wildlife corridors and habitat

1 linkages. This data should include information essential for  
2 evaluating the needs of wildlife species, as defined in Section  
3 744.2, 89.5, that require habitat connectivity for their long-term  
4 conservation, including distribution and movement patterns.

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

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

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

14 (f) Ensure recognition of the state's most significant natural  
15 areas, including those affected by climate change. The department  
16 shall, after consultation with federal, state, and local agencies,  
17 education institutions, civic and public interest organizations,  
18 private organizations, landowners, and other private individuals,  
19 identify by means of periodic reports those natural areas deemed  
20 to be most significant.

21 (g) Seek the maintenance and perpetuation of the state's most  
22 significant natural areas for present and future generations in the  
23 most feasible manner. The department shall consider alternative  
24 approaches for that maintenance, including alternatives to fee  
25 acquisition such as incentives, leasing, and dedication.

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

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

33 SEC. 40. Section 1940 of the Fish and Game Code is amended  
34 to read:

35 1940. (a) ~~The Department of Fish and Game~~ *department* shall  
36 undertake the development of a vegetation mapping standard for  
37 the state.

38 (b) The development of a state vegetation mapping standard by  
39 the department shall be done in consultation with interested  
40 stakeholders, including, but not limited to, government agencies,

1 nongovernmental conservation organizations, landowners,  
 2 agriculture, recreation, scientific entities, and industry. Components  
 3 of the standard shall include the following:

4 (1) A published classification system for all natural and  
 5 seminatural vegetation communities present in California with  
 6 sufficient detail to meet the analytical needs of government and  
 7 nongovernment entities. The classification shall be consistent with  
 8 national standards adopted by the Federal Geographic Data  
 9 Committee.

10 (2) Methods for field data collection, image interpretation, and  
 11 digital map production and attribution.

12 (3) Manuals, training materials, tools, and database structures  
 13 for use by parties interested in performing vegetation mapping  
 14 according to the standard.

15 (4) Documented methods for performing postproject accuracy  
 16 assessments to quantify ~~that~~ *the* validity of the work. Private and  
 17 public landowners shall be given reasonable opportunity to review,  
 18 and comment on the accuracy of, the data collected on their lands.

19 (5) Mechanisms for integrating new map products that meet the  
 20 standard into a cohesive database with the intent of eventually  
 21 completing statewide coverage.

22 (c) The department shall submit a report to the budget committee  
 23 of each house of the Legislature no later than January 10, 2008,  
 24 providing its mapping standard and advising how the department  
 25 will ensure that its standard will be updated to reflect changing  
 26 technology and serve as the state’s center of expertise on vegetation  
 27 mapping.

28 (d) The department may adopt regulations to implement this  
 29 section.

30 SEC. 41. Section 2000 of the Fish and Game Code is amended  
 31 to read:

32 2000. (a) It is unlawful to take ~~any~~ a bird, mammal, fish,  
 33 reptile, or amphibian except as provided in this code ~~or regulations~~  
 34 ~~made pursuant thereto.~~ *Possession of or in a regulation adopted*  
 35 *pursuant to this code.*

36 (b) *Possession of* a bird, mammal, fish, ~~or~~ reptile, *amphibian,*  
 37 ~~or parts thereof~~ *part of any of those animals,* in or on the fields,  
 38 forests, or waters of this state, or while returning therefrom with  
 39 fishing or hunting ~~equipment~~ *equipment,* is prima facie evidence

1 the possessor took the bird, mammal, ~~fish or fish~~, reptile, or  
2 *amphibian*, or ~~parts thereof~~: *part of that animal*.

3 SEC. 42. Section 2001 of the Fish and Game Code is amended  
4 to read:

5 2001. (a) It is unlawful to take ~~mammals, birds, fish, reptiles,~~  
6 ~~and amphibians~~ *a mammal, bird, fish, reptile, or amphibian* outside  
7 of ~~an established seasons~~ *season* or to exceed ~~any a~~ bag limit or  
8 possession limit established in this code or by ~~regulations a~~  
9 *regulation* adopted by the commission. Violation of ~~any an~~  
10 established season, bag limit, or possession limit may be charged  
11 as a violation of this section or of the specific code section or  
12 regulation that establishes the season or limit.

13 (b) ~~Unless otherwise provided, it is unlawful to possess fish,~~  
14 ~~reptiles, or amphibians except during the open season where taken~~  
15 ~~and for 10 days thereafter; and not more than the possession limit~~  
16 ~~thereof may be possessed during the period after the close of the~~  
17 ~~open season.~~

18 (b) *Unless otherwise provided, it is unlawful to possess a fish,*  
19 *reptile, or amphibian, except during the open season where the*  
20 *fish, reptile, or amphibian was taken or during the 10-day period*  
21 *immediately following that open season. A possession limit*  
22 *applicable during the open season applies during that 10-day*  
23 *period.*

24 (c) Except as provided in Section 3080, it is unlawful to possess  
25 ~~game birds a game bird or mammals mammal~~ except during the  
26 open season where taken.

27 SEC. 43. Section 2002 of the Fish and Game Code is amended  
28 to read:

29 2002. It is unlawful to possess ~~any a~~ bird, mammal, fish, reptile,  
30 ~~or amphibian, or parts thereof~~, *part of any of those animals*, taken  
31 in violation of ~~any of the provisions of this code, code or of any a~~  
32 ~~regulation made under it.~~ *adopted pursuant to this code.*

33 SEC. 44. Section 2003 of the Fish and Game Code is amended  
34 to read:

35 2003. (a) Except as specified in subdivisions (b), (c), and (d),  
36 it is unlawful to offer ~~any a~~ prize or other inducement as a reward  
37 for the taking of ~~any a game birds, mammals, fish, reptiles, or~~  
38 ~~amphibians~~ *bird, mammal, fish, reptile, or amphibian* in an  
39 individual contest, tournament, or derby.

1 (b) The department may issue a permit to ~~any~~ a person  
 2 authorizing that person to offer a prize or other inducement as a  
 3 reward for the taking of ~~any~~ a game fish, as defined by the  
 4 commission by regulation, if it finds that there would be no  
 5 detriment to the resource. The permit is subject to regulations  
 6 adopted by the commission. The application for the permit shall  
 7 be accompanied by a fee in the amount determined by the  
 8 department as necessary to cover the reasonable administrative  
 9 costs incurred by the department in issuing the permit. However,  
 10 the department may waive the permit fee if the contest, tournament,  
 11 or derby is for persons *who are* under the age of 16 years, ~~or who~~  
 12 ~~are physically or mentally challenged,~~ *years of age or have a*  
 13 *physical or mental disability, and* the primary purpose of the  
 14 contest, tournament, or derby is to introduce ~~young~~ *those* anglers  
 15 ~~to,~~ to educate them about fishing. All permits for which the fee  
 16 is waived pursuant to this subdivision shall comply with all other  
 17 requirements set forth in this section.

18 (c) This section does not apply to ~~any~~ a person conducting what  
 19 ~~are~~ *is* generally known as a frog-jumping ~~contests or fish contests~~  
 20 ~~conducted contest, or,~~ in waters of the Pacific ~~Ocean.~~ *Ocean, what*  
 21 *is generally known as a fish contest.*

22 (d) This section does not apply to ~~any~~ a person conducting an  
 23 individual contest, tournament, or derby for the taking of a game  
 24 ~~birds and mammals,~~ *bird or mammal,* if the total value of all prizes  
 25 or other inducements is less than five hundred dollars (\$500) for  
 26 the individual contest, tournament, or derby.

27 SEC. 45. Section 2005 of the Fish and Game Code is amended  
 28 to read:

29 2005. (a) Except as otherwise authorized by this section, it is  
 30 unlawful to use an artificial light to assist in the taking of a game  
 31 ~~birds, bird, game mammals, mammal, or game fish, except that~~  
 32 ~~this section shall not apply to sport fishing in ocean waters or other~~  
 33 ~~waters where night fishing is permitted if the lights are not used~~  
 34 ~~on or as part of the fishing tackle, commercial fishing, nor to the~~  
 35 ~~taking of mammals, the taking of which is governed by Article 2~~  
 36 ~~(commencing with Section 4180) of Chapter 3 of Part 3 of Division~~  
 37 ~~4. fish.~~

38 (b) It is unlawful for ~~any person, or one or more persons,~~ *persons*  
 39 to throw or cast the rays of ~~any~~ a spotlight, headlight, or other  
 40 artificial light on ~~any~~ a highway or in ~~any~~ a field, woodland, or

1 forest where game mammals, fur-bearing mammals, or nongame  
2 mammals are commonly found, or upon ~~any~~ a game mammal,  
3 fur-bearing mammal, or nongame mammal, while having in his  
4 or her possession or under his or her control ~~any~~ a firearm or  
5 weapon with which that mammal could be killed, even though the  
6 mammal is not killed, injured, shot at, or otherwise pursued.

7 ~~(e) It is unlawful to use or possess at any time any infrared or~~  
8 ~~similar light used in connection with an electronic viewing device~~  
9 ~~or any night vision equipment, optical devices, including, but not~~  
10 ~~limited to, binoculars or scopes, that use light-amplifying circuits~~  
11 ~~that are electrical or battery powered, to assist in the taking of~~  
12 ~~birds, mammals, amphibians, or fish.~~

13 ~~(d) The provisions of this section do not apply to any of the~~  
14 ~~following:~~

15 ~~(1) The use of a hand-held flashlight no larger, nor emitting~~  
16 ~~more light, than a two-cell, three-volt flashlight, provided that light~~  
17 ~~is not affixed in any way to a weapon, or to the use of a lamp or~~  
18 ~~lantern that does not cast a directional beam of light.~~

19 ~~(2) Headlights of a motor vehicle operated in a usual manner~~  
20 ~~where there is no attempt or intent to locate a game mammal,~~  
21 ~~fur-bearing mammal, or nongame mammal.~~

22 ~~(3) To the owner, or his or her employee, of land devoted to the~~  
23 ~~agricultural industry while on that land, or land controlled by such~~  
24 ~~an owner and in connection with the agricultural industry.~~

25 ~~(4) To those other uses as the commission may authorize by~~  
26 ~~regulation.~~

27 ~~(c) It is unlawful to use or possess night vision equipment to~~  
28 ~~assist in the taking of a bird, mammal, amphibian, reptile, or fish.~~  
29 ~~For purposes of this subdivision, "night vision equipment"~~  
30 ~~includes, but is not limited to, the following:~~

31 ~~(1) An infrared or similar light, used in connection with an~~  
32 ~~electronic viewing device.~~

33 ~~(2) An optical device, including, but not limited to, binoculars~~  
34 ~~or a scope, that uses electrical or battery powered light amplifying~~  
35 ~~circuits.~~

36 ~~(d) This section does not apply to any of the following:~~

37 ~~(1) Sport fishing in ocean waters, or other waters where night~~  
38 ~~fishing is permitted, if an artificial light is not used on or as part~~  
39 ~~of the fishing tackle.~~

40 ~~(2) Commercial fishing.~~

1 (3) *The taking of mammals governed by Article 2 (commencing*  
2 *with Section 4180) of Chapter 3 of Part 3 of Division 4.*

3 (4) *The use of a hand-held flashlight that is no larger and emits*  
4 *no more light than a two-cell, three-volt flashlight, and is not*  
5 *affixed to a weapon.*

6 (5) *The use of a lamp or lantern that does not cast a directional*  
7 *beam of light.*

8 (6) *Headlights of a motor vehicle that are operated in a usual*  
9 *manner and without attempt or intent to locate a game mammal,*  
10 *fur-bearing mammal, or nongame mammal.*

11 (7) *An owner of land devoted to the agricultural industry, or*  
12 *the owner’s employee, while on that land.*

13 (8) *An owner of land devoted to the agricultural industry, or*  
14 *the owner’s employee, while on land controlled by the owner in*  
15 *connection with the agricultural industry.*

16 (9) *Other uses as the commission may authorize by regulation.*

17 (e) A person shall not be arrested for violation of this section  
18 except by a peace officer.

19 SEC. 46. Section 2010 of the Fish and Game Code is amended  
20 to read:

21 2010. (a) It is unlawful to use or possess a shotgun larger than  
22 10-gauge, or to use or possess a shotgun capable of holding more  
23 than six cartridges at one-time ~~time~~, to take ~~any~~ a mammal or bird.  
24 ~~However, the commission may, after public hearing, adopt~~  
25 ~~regulations relative to the ammunition capacity of shotguns for~~  
26 ~~taking mammals or birds that are further restrictive or that it~~  
27 ~~determines may be needed to conform to federal law. Shotguns~~  
28 ~~that have~~

29 (b) *A shotgun that has been modified with the insertion of a*  
30 *plug* ~~are~~ *is deemed, for the purpose of this section, to have a*  
31 *cartridge capacity equal to the number of cartridges that can be*  
32 *loaded into the weapon as modified.*

33 (c) *After a public hearing, the commission may adopt regulations*  
34 *relative to the ammunition capacity of shotguns for taking*  
35 *mammals or birds that are more restrictive than the limits provided*  
36 *in subdivision (a), or that it determines may be needed to conform*  
37 *to federal law.*

38 SEC. 47. Section 2013 of the Fish and Game Code is amended  
39 to read:

1 2013. Unless otherwise provided, the provisions of this code  
2 relating to the possession of birds, mammals, fish, reptiles,  
3 ~~amphibia, or parts thereof or amphibians~~ apply to birds, mammals,  
4 fish, reptiles, ~~amphibia, or parts thereof or amphibians~~ taken either  
5 in or outside of this state.

6 SEC. 48. Section 2015 of the Fish and Game Code is amended  
7 to read:

8 2015. ~~It (a) Except as otherwise provided in this section, it is~~  
9 ~~unlawful to possess any a bird, mammal, fish or amphibian which~~  
10 ~~fish, amphibian, or reptile, that may not be legally sold, in any a~~  
11 ~~restaurant or other eating establishment unless the possession is~~  
12 ~~by the person who lawfully took or otherwise legally possessed~~  
13 ~~the bird, mammal, fish, or amphibian or is by a person preparing~~  
14 ~~the bird, mammal, fish or amphibian for consumption by the person~~  
15 ~~who lawfully took or possessed it, or such person and others, and~~  
16 ~~the person who took or possessed it is present on the premises.~~  
17 ~~establishment.~~

18 ~~This section does not apply to birds, mammals, fish or amphibia~~  
19 ~~in a restaurant or other eating establishment which are tagged with~~  
20 ~~a signed statement of the name and address of the person who took~~  
21 ~~them, the date taken, and the total number and kind of birds,~~  
22 ~~mammals, fish or amphibia.~~

23 (b) *This section does not apply to any of the following:*

24 (1) *A person who lawfully took or otherwise legally possessed*  
25 *the bird, mammal, fish, amphibian, or reptile.*

26 (2) *A person preparing the bird, mammal, fish, amphibian, or*  
27 *reptile for consumption by the person who lawfully took or*  
28 *possessed it, or by that person and others, if the person who took*  
29 *or possessed it is present on the premises.*

30 (3) *A bird, mammal, fish, amphibian, or reptile tagged with a*  
31 *signed statement of the person who took the bird, mammal, fish,*  
32 *amphibian, or reptile stating that person's name and address, the*  
33 *date taken, and the total number and kind taken.*

34 SEC. 49. Section 2016 of the Fish and Game Code is amended  
35 to read:

36 2016. It is unlawful to enter ~~any lands under cultivation or~~  
37 ~~enclosed by a fence, belonging to, or occupied by, another, or to~~  
38 ~~enter any uncultivated or unenclosed lands, including lands~~  
39 ~~temporarily inundated by waters flowing outside the established~~  
40 ~~banks of a river, stream, slough, or other waterway, where signs~~

1 ~~forbidding trespass or hunting, or both, are displayed at intervals~~  
2 ~~not less than three to the mile along all exterior boundaries and at~~  
3 ~~all roads and trails entering those lands, land for the purpose of~~  
4 ~~discharging any a firearm or taking or destroying any a mammal~~  
5 ~~or bird, including any waterfowl, on those lands that land, without~~  
6 ~~having first obtained written permission from the owner, or his or~~  
7 ~~her agent, the owner's agent, or the person in lawful possession~~  
8 ~~of, those lands. Signs may be of any size and wording that will~~  
9 ~~fairly advise persons about to enter the land that the use of the land~~  
10 ~~is so restricted. of that land, if either of the following is true:~~

11 *(a) The land belongs to or is occupied by another person and*  
12 *is either under cultivation or enclosed by a fence.*

13 *(b) There are signs of any size and wording forbidding trespass*  
14 *or hunting or both displayed along all exterior boundaries of the*  
15 *land, at intervals not less than three to the mile, and at all roads*  
16 *and trails entering the land, including land temporarily inundated*  
17 *by water flowing outside the established banks of a river, stream,*  
18 *slough, or other waterway, which fairly advise a person about to*  
19 *enter the land that the use of the land is so restricted.*

20 SEC. 50. Section 2069 of the Fish and Game Code is amended  
21 to read:

22 2069. (a) For purposes of this section, the following terms  
23 have the following meanings:

24 (1) "Desert Renewable Energy Conservation Plan" means the  
25 completed conservation plan in the Mojave and Colorado Desert  
26 regions adopted pursuant to the Natural Community Conservation  
27 Planning Act (Chapter 10 (commencing with Section 2800)), and  
28 covers the geographical area described in the Draft Planning  
29 Agreement, as amended by, and among, the ~~Department of Fish~~  
30 ~~and Game, California department,~~ Energy Commission, United  
31 States Bureau of Land Management, and United States Fish and  
32 Wildlife Service for the Desert Renewable Energy Conservation  
33 Plan.

34 (2) "Energy Commission" means the State Energy Resources  
35 Conservation and Development Commission.

36 (b) The department, in consultation with the Energy Commission  
37 and, to the extent practicable, the United States Fish and Wildlife  
38 Service and the United States Bureau of Land Management, may  
39 design and implement actions, including the purchase of land and  
40 conservation easements, to protect, restore, or enhance the habitat

1 of plants and wildlife that can be used to fully mitigate the impacts  
2 of the take of endangered species, threatened species, or candidate  
3 species, for purposes of paragraph (2) of subdivision (b) of Section  
4 2081 and Chapter 6 (commencing with Section 25500) of Division  
5 15 of the Public Resources Code, resulting from solar thermal,  
6 photovoltaic, wind, and geothermal powerplants in the Desert  
7 Renewable Energy Conservation Plan planning area that meet  
8 either of the following requirements:

9 (1) Either the Energy Commission determines that the  
10 application for certification is complete by December 31, 2011,  
11 or the lead agency for purposes of the California Environmental  
12 Quality Act (Division 13 (commencing with Section 21000) of  
13 the Public Resources Code) has determined the project permit  
14 application is complete or has issued a notice of preparation of an  
15 environmental impact report by December 31, 2011.

16 (2) The developer or owner of the proposed powerplant or  
17 generation facility has applied for, and would qualify for, funding  
18 under the federal American Recovery and Reinvestment Act of  
19 2009 (Public Law 111-5). For purposes of this paragraph,  
20 “funding” means a loan guarantee made pursuant to Section 406  
21 of the act (42 U.S.C. Sec. 16516) or a grant for specified energy  
22 property in lieu of a tax credit provided pursuant to Section 1603  
23 of Division B of the act, which division is titled the American  
24 Recovery and Reinvestment Tax Act of 2009.

25 (c) A mitigation action may only be used for the mitigation  
26 purposes described in subdivision (b) if it meets one of the  
27 following conditions:

28 (1) The department has implemented the mitigation action and  
29 determined that the action has resulted in the protection, restoration,  
30 or enhancement of the habitat of one or more species that are  
31 proposed to be covered by the Desert Renewable Energy  
32 Conservation Plan, and that are located in the planning area, and,  
33 based upon that determination, can be used, for purposes of  
34 paragraph (2) of subdivision (b) of Section 2081, to fully mitigate  
35 for the impacts of the take of those species from one or more  
36 projects that meet the requirement of subdivision (b).

37 (2) The mitigation action is included in an interim mitigation  
38 strategy for projects that meet the requirement of subdivision (b).  
39 An interim mitigation strategy pursuant to this paragraph shall be  
40 developed by the department, in consultation with the Energy

1 Commission and, to the extent practicable, the United States Fish  
2 and Wildlife Service and the United States Bureau of Land  
3 Management, and shall include all of the following:

4 (A) A description of specific mitigation areas and specific  
5 actions on public or private land within the Desert Renewable  
6 Energy Conservation Plan planning area that are to be  
7 implemented, including a focus on habitat preservation, while also  
8 including enhancement or restoration actions that will do all of the  
9 following:

10 (i) Contribute to the conservation of each candidate species,  
11 threatened species, or endangered species for which a permit is  
12 issued.

13 (ii) Adopt a regional planning perspective that provides a  
14 foundation for, or that will complement, any conservation strategy  
15 to be developed for the Desert Renewable Energy Conservation  
16 Plan.

17 (iii) Implement mitigation actions within a reasonable period  
18 of time relative to the impact to the affected candidate species,  
19 threatened species, or endangered species, including, where  
20 feasible, advance mitigation. For purposes of this clause, “advance  
21 mitigation” means mitigation implemented before, and in  
22 anticipation of, future impacts to natural resources.

23 (iv) Include a description of the species that would be benefited  
24 by each mitigation action and how it would be benefited.

25 (B) A cost estimate for each action, whether on public or private  
26 land, using total cost accounting, including, as applicable, land  
27 acquisition costs, conservation easement costs, monitoring costs,  
28 transaction costs, restoration costs, the amount of a perpetual  
29 endowment account for land management or easement stewardship  
30 costs by the department or other management entity, and  
31 administrative costs.

32 (d) The interim mitigation strategy shall be based on best  
33 available science and shall be reviewed by the Desert Renewable  
34 Energy Conservation Plan independent science advisers. The  
35 department shall seek and consider comments from the Desert  
36 Renewable Energy Conservation Plan independent science advisers  
37 in the design and location of each mitigation action implemented  
38 pursuant to this section. If the department elects to not incorporate  
39 comments of the independent science advisers into mitigation

1 actions, the department shall explain the reasons for that decision  
2 in writing.

3 (e) The interim mitigation strategy shall be completed by the  
4 department no later than 60 days following the operative date of  
5 the act adding this section.

6 (f) (1) This section does not modify the requirements of Section  
7 2081, including the requirement to avoid and minimize impacts,  
8 where feasible, or the requirements of Division 13 (commencing  
9 with Section 21000) of, or Chapter 6 (commencing with Section  
10 25500) of Division 15 of, the Public Resources Code, or affect the  
11 existing authority of the department to authorize mitigation actions  
12 to comply with this chapter.

13 (2) With respect to the Energy Commission, in the case of an  
14 applicant seeking certification for a solar thermal or geothermal  
15 powerplant pursuant to Chapter 6 (commencing with Section  
16 25500) of Division 15 of the Public Resources Code, or a lead  
17 agency, as defined in Section 21067 of the Public Resources Code,  
18 in the case of an applicant seeking approval of a renewable energy  
19 powerplant not subject to the Energy Commission's jurisdiction,  
20 the sole effect of a mitigation action described in subdivision (c),  
21 and paid for through the deposit of fees as described in Section  
22 2099, is to relieve an applicant of the obligation to directly take  
23 actions that are taken instead by the department or its contractor  
24 or designee pursuant to subdivision (b) to meet the applicant's  
25 obligations with respect to mitigating the powerplant's impacts to  
26 species and habitat. The mitigation action and deposit of fees shall  
27 not relieve the applicant of any other obligation, or the Energy  
28 Commission or the lead agency of any of its existing requirements  
29 of Division 13 (commencing with Section 21000) of, or the  
30 requirements of Chapter 6 (commencing with Section 25500) of  
31 Division 15 of, the Public Resources Code to analyze, avoid,  
32 minimize, or mitigate impacts to species and habitat, or make the  
33 findings required by those statutes.

34 (g) The mitigation actions implemented pursuant to this section  
35 shall be incorporated into the Desert Renewable Energy  
36 Conservation Plan upon the finalization of the plan, to the extent  
37 the mitigation actions are consistent with the plan's conservation  
38 strategy.

39 SEC. 51. Section 2119 of the Fish and Game Code is amended  
40 to read:

1 2119. The ~~Department of Fish and Game~~ *department* shall  
2 publish from time to time as changes arise, a list of animals ~~which~~  
3 *that* may not be imported or transported into this ~~State.~~ *state*.

4 SEC. 52. Section 2348 of the Fish and Game Code is amended  
5 to read:

6 2348. (a) ~~Any package in which birds, mammals, fish, reptiles,~~  
7 ~~or amphibians, or parts thereof, are offered for transportation to,~~  
8 ~~or are transported or received for transportation by, a common~~  
9 ~~carrier or his or her agent shall bear the name and address of the~~  
10 ~~shipper and of the consignee and an accurate description of the~~  
11 ~~numbers and kinds of birds, mammals, fish, reptiles, or amphibians~~  
12 ~~contained therein clearly and conspicuously marked on the outside~~  
13 ~~thereof.~~ *The outside of a package offered to or received by a*  
14 *common carrier or the carrier's agent for transportation, or*  
15 *transported by a common carrier or agent, that contains a bird,*  
16 *mammal, fish, reptile, or amphibian, shall clearly and*  
17 *conspicuously indicate the following:*

18 (1) *The name and address of the shipper.*

19 (2) *The name and address of the consignee.*

20 (3) *The number and kind of bird, mammal, fish, reptile, and*  
21 *amphibian contained in the package.*

22 (b) Licensed commercial fishermen and licensed commercial  
23 fish dealers are subject to all of the provisions of this section,  
24 except that commercial shipments of fish may be indicated by total  
25 net weight of each species instead of by numbers.

26 SEC. 53. Section 2350 of the Fish and Game Code is amended  
27 to read:

28 2350. It is unlawful to transport or carry *a deer or game bird*  
29 ~~out of this State any deer or game bird, or parts thereof, state,~~  
30 ~~except by the holder of a nonresident hunting license or under a~~  
31 ~~written permit issued by the department.~~

32 SEC. 54. Section 2363 of the Fish and Game Code is amended  
33 to read:

34 2363. Striped bass, sturgeon, or shad ~~or parts thereof~~ legally  
35 taken in another ~~state, which state that~~ *state that* permits the sale of that ~~fish,~~  
36 ~~fish~~ may be imported into ~~the~~ *this* state under regulations of the  
37 commission. Before the commission adopts any regulation pursuant  
38 to this section, a public hearing shall be held in the San Francisco  
39 or Sacramento area.

1 SEC. 55. Section 2400 of the Fish and Game Code is amended  
2 to read:

3 ~~2400. Common carriers-~~*(a) A common carrier may transport*  
4 ~~at any time the carcasses or parts thereof of the carcass of a dead~~  
5 ~~domesticated game birds and mammals~~ *bird or mammal* tagged  
6 with a domesticated game breeder's tag as provided in Article 1  
7 (commencing with Section ~~3200~~; 3200) of Chapter ~~2, 2~~ of Part ~~1,~~  
8 ~~1~~ of Division 4. ~~In addition, a~~

9 *(b) A tag or label shall be affixed to every package containing*  
10 ~~such carcass or part, which shall:~~ *a carcass transported pursuant*  
11 *to subdivision (a), which shall state all of the following:*

12 ~~(a) Give the~~

13 *(1) The names of the person to whom the game breeder's license*  
14 ~~was issued, of the person by whom such game was killed, of the~~  
15 *person who killed the game bird or mammal, the person to whom*  
16 ~~such the game bird or mammal is consigned, and of the person by~~  
17 ~~whom such game was tagged:~~ *who tagged the game bird or*  
18 *mammal.*

19 ~~(b) Give the~~

20 *(2) The number of carcasses or portions thereof contained in*  
21 *the package.*

22 ~~(c) State that~~

23 *(3) That the game birds or mammals were killed and tagged in*  
24 *accordance with the provisions of Article 1 (commencing with*  
25 *Section ~~3200~~; 3200) of Chapter ~~2, 2~~ of Part ~~1,~~ 1 of Division 4.*

26 SEC. 56. Section 2701 of the Fish and Game Code is amended  
27 to read:

28 2701. (a) The fundamental requirement for healthy, vigorous  
29 populations of fish and wildlife is habitat. Without adequate habitat,  
30 efforts to conserve and manage fish and wildlife resources will  
31 have limited success. Further, California contains the greatest  
32 diversity of wildlife and plant species of virtually any state in the  
33 nation. This rich natural heritage enables Californians to enjoy a  
34 great variety of recreational, aesthetic, ecological, and other uses  
35 and benefits of these biological resources. The public interest is  
36 served only by ensuring that these resources are preserved,  
37 protected, and propagated for this and future generations.

38 (b) Many of California's wildlife, fish, and plant species and  
39 biological communities are found nowhere else on earth. Without  
40 adequate protection and management, rare native species and

1 communities could easily become extinct. In ~~such an~~ *that* event,  
2 the benefits they provide to the people of California, whether  
3 presently realized or which remain to be discovered, will be lost  
4 forever, and California will be significantly poorer as a result.

5 (c) The people of California have vested in the ~~Department of~~  
6 ~~Fish and Game~~ *department* the principal responsibility for  
7 protecting, conserving, and perpetuating native fish, plants, and  
8 wildlife, including endangered species and game animals, for their  
9 aesthetic, ~~intrinsic~~, *intrinsic*, ecological, educational, and  
10 economic values. To help accomplish this goal, the people of  
11 California have further established a significant natural areas  
12 program and a natural diversity ~~data base~~ *database* in the  
13 ~~Department of Fish and Game~~, *department*, which is charged with  
14 maintaining and perpetuating California's most significant natural  
15 areas for present and future generations. To ensure the perpetuation  
16 of areas containing uncommon elements of natural diversity and  
17 to ensure the continued abundance of habitat for more common  
18 species, especially examples of those ~~which~~ *that* are presently  
19 threatened with destruction, the purchase of land is often necessary.

20 (d) Accordingly, the purpose of this chapter is to provide the  
21 Wildlife Conservation Board and the ~~Department of Fish and Game~~  
22 *department* the financial means to correct the most severe  
23 deficiencies in wildlife habitat and in the statewide system of areas  
24 designated for the preservation of California's natural diversity  
25 through a program of acquisition, enhancement, restoration, and  
26 protection of areas that are most in need of proper conservation.

27 SEC. 57. Section 2729 of the Fish and Game Code is amended  
28 to read:

29 2729. (a) For the purpose of administering this chapter, the  
30 Wildlife Conservation Board and the ~~Department of Fish and Game~~  
31 *department* shall augment its existing staff, whenever possible, by  
32 contracting for those services necessary for the administration of  
33 this chapter. Any contract shall, however, be entered into only  
34 pursuant to Sections 19130 to 19132, inclusive, of the Government  
35 Code and shall be only for the minimum period necessary for  
36 completion of the particular project or projects for which the  
37 contract was entered into.

38 (b) Due to the limited duration of the program authorized by  
39 this chapter, in the event some services cannot be provided by  
40 contract, any personnel directly hired by the Wildlife Conservation

1 Board for the administration of this chapter shall be hired, to the  
2 extent permitted by Article 2 (commencing with Section 19080)  
3 of Chapter 6.5 of Part 2 of Division 5 of Title 2 of the Government  
4 Code, as limited-term appointments.

5 SEC. 58. Section 2805 of the Fish and Game Code is amended  
6 to read:

7 2805. The definitions in this section govern the construction  
8 of this chapter:

9 (a) “Adaptive management” means to use the results of new  
10 information gathered through the monitoring program of the plan  
11 and from other sources to adjust management strategies and  
12 practices to assist in providing for the conservation of covered  
13 species.

14 (b) “Candidate species” has the same meaning as defined in  
15 Section 2068.

16 (c) “Changed circumstances” are reasonably foreseeable  
17 circumstances that could affect a covered species or geographic  
18 area covered by the plan.

19 (d) “Conserve,” “conserving,” and “conservation” mean to use,  
20 and the use of, methods and procedures within the plan area that  
21 are necessary to bring any covered species to the point at which  
22 the measures provided pursuant to Chapter 1.5 (commencing with  
23 Section 2050) are not necessary, and for covered species that are  
24 not listed pursuant to Chapter 1.5 (commencing with Section 2050),  
25 to maintain or enhance the condition of a species so that listing  
26 pursuant to Chapter 1.5 (commencing with Section 2050) will not  
27 become necessary.

28 (e) “Covered species” means those species, both listed pursuant  
29 to Chapter 1.5 (commencing with Section 2050) and nonlisted,  
30 conserved and managed under an approved natural community  
31 conservation plan and that may be authorized for take.  
32 Notwithstanding Sections 3511, 4700, 5050, or 5515, fully  
33 protected species may be covered species pursuant to this  
34 subdivision, and taking of fully protected species may be authorized  
35 pursuant to Section 2835 for any fully protected species conserved  
36 and managed as a covered species under an approved natural  
37 community conservation plan.

38 (f) “Department assurance” means the department’s commitment  
39 pursuant to subdivision (f) of Section 2820.

1 (g) “Monitoring program” means a program within an approved  
2 natural community conservation plan that provides periodic  
3 evaluations of monitoring results to assess the adequacy of the  
4 mitigation and conservation strategies or activities and to provide  
5 information to direct the adaptive management program. The  
6 monitoring program shall, to the extent practicable, also be used  
7 to meet the monitoring requirements of Section 21081.6 of the  
8 Public Resources Code. A monitoring program includes all of the  
9 following:

10 (1) Surveys to determine the status of biological resources  
11 addressed by the plan, including covered species.

12 (2) Periodic accountings and assessment of authorized take.

13 (3) Progress reports on all of the following matters:

14 (A) Establishment of habitat reserves or other measures that  
15 provide equivalent conservation of covered species and providing  
16 funding where applicable.

17 (B) Compliance with the plan and the implementation agreement  
18 by the wildlife agencies, local governments, and landowners who  
19 have responsibilities under the plan.

20 (C) Measurements to determine if mitigation and conservation  
21 measures are being implemented roughly proportional in time and  
22 extent to the impact on habitat or covered species authorized under  
23 the plan.

24 (D) Evaluation of the effectiveness of the plan in meeting the  
25 conservation objectives of the plan.

26 (E) Maps of land use changes in the plan area that may affect  
27 habitat values or covered species.

28 (4) A schedule for conducting monitoring activities.

29 (h) “Natural community conservation plan” or “plan” means  
30 the plan prepared pursuant to a planning agreement entered into  
31 in accordance with Section 2810. The plan shall identify and  
32 provide for those measures necessary to conserve and manage  
33 natural biological diversity within the plan area while allowing  
34 compatible and appropriate economic development, growth, and  
35 other human uses.

36 (i) “Person” has the same meaning as defined in Section 711.2.

37 (j) (1) “Plan participant,” prior to approval of a natural  
38 community conservation plan and execution of an implementation  
39 agreement, means a signatory to the planning agreement.

1 (2) Upon approval of a natural community conservation plan  
2 and execution of an implementation agreement, “plan participant”  
3 means the permittees and any local agency that is a signatory to  
4 the implementing agreement.

5 (k) “Unforeseen circumstances” means changes affecting one  
6 or more species, habitat, natural community, or the geographic  
7 area covered by a conservation plan that could not reasonably have  
8 been anticipated at the time of plan development, and that result  
9 in a substantial adverse change in the status of one or more covered  
10 species.

11 (l) “Wildlife” has the same meaning as defined in Section 711.2-  
12 89.5.

13 (m) “Wildlife agencies” means the department and one or both  
14 of the following:

15 (1) United States Fish and Wildlife Service.

16 (2) National Marine Fisheries Service.

17 SEC. 59. Section 3003 of the Fish and Game Code is amended  
18 to read:

19 3003. (a) It is unlawful for ~~any~~ a person to shoot, shoot at, or  
20 kill ~~any~~ a bird or mammal with ~~any~~ a gun or other device accessed  
21 via an Internet connection in this state.

22 (b) It is ~~further~~ unlawful for ~~any~~ a person, firm, corporation,  
23 partnership, limited liability company, association, or other  
24 business entity to do either of the following:

25 (1) Own or operate a shooting range, site, or gallery located in  
26 the state for ~~purposes of the~~ *the purpose of* online shooting or  
27 spearing of ~~any~~ a bird or mammal.

28 (2) Create, maintain, or utilize an Internet Web site, ~~or a or other~~  
29 service or business ~~via any other means, from any location within~~  
30 ~~the state for purposes of the~~ *in this state, for the purpose of* online  
31 shooting or spearing of ~~any~~ a bird or ~~mammal for the purposes of~~  
32 ~~this section.~~ *mammal.*

33 (c) It is unlawful to possess or confine ~~any~~ a bird or mammal  
34 in furtherance of an activity prohibited by this section.

35 (d) It is unlawful for ~~any~~ a person in this state to import into,  
36 or export from, this state ~~any~~ a bird or ~~mammal, or any part thereof,~~  
37 *mammal* that is killed by ~~any~~ a device accessed via an Internet  
38 connection.

1 (e) ~~Any~~ A bird or ~~mammal, or any part thereof,~~ *mammal* that is  
2 possessed in violation of this section shall be subject to seizure by  
3 the department.

4 (f) For the purposes of this section, “online shooting or spearing”  
5 means the use of a computer or ~~any~~ other device, equipment,  
6 software, or ~~technology,~~ *technology* to remotely control the aiming  
7 and discharge of ~~any~~ a weapon, including, but not limited to, ~~any~~  
8 a firearm, bow and arrow, spear, slingshot, harpoon, or ~~any~~ other  
9 projectile device.

10 SEC. 60. Section 3004 of the Fish and Game Code is amended  
11 to read:

12 3004. (a) It is unlawful for ~~any~~ a person, other than the owner,  
13 person in possession of the premises, or a person having the express  
14 permission of the owner or person in possession of the premises,  
15 ~~to hunt or to discharge while hunting, any firearm or other deadly~~  
16 ~~weapon within 150 yards of any occupied dwelling house,~~  
17 ~~residence, or other building or any barn or other outbuilding used~~  
18 ~~in connection therewith.~~ *while within 150 yards of an occupied*  
19 *dwelling house, residence, or other building, or within 150 yards*  
20 *of a barn or other outbuilding used in connection with an occupied*  
21 *dwelling house, residence, or other building, to either hunt or*  
22 *discharge a firearm or other deadly weapon while hunting. The*  
23 *150-yard area is a “safety zone.”*

24 (b) It is unlawful for ~~any~~ a person to intentionally discharge ~~any~~  
25 a firearm or release ~~any~~ an arrow or crossbow bolt over or across  
26 ~~any~~ a public road or other established way open to the public in  
27 an unsafe and reckless manner.

28 SEC. 61. Section 3006 of the Fish and Game Code is amended  
29 to read:

30 3006. Except as authorized under a domesticated game  
31 breeder’s license, ~~any~~ a deer, elk, or bear kept in captivity may be  
32 killed only with the approval of the department, and ~~under such~~  
33 ~~regulations as pursuant to any regulation that the commission may~~  
34 ~~prescribe.~~ *adopt.* The ~~carcass, or any part thereof, of any such~~  
35 ~~mammal carcass of a deer, elk, or bear kept in captivity may not~~  
36 ~~be sold, and shall be disposed of in such manner as the department~~  
37 ~~may direct.~~ *as directed by the department.*

38 SEC. 62. Section 3007 of the Fish and Game Code is amended  
39 to read:

1 3007. Except as provided in this code or regulations adopted  
2 pursuant thereto, every person who takes any bird or mammal shall  
3 procure a license or entitlement therefor. *to this code, it is unlawful*  
4 *to take a bird or mammal without a license or entitlement to do*  
5 *so.*

6 SEC. 63. Section 3033 of the Fish and Game Code is amended  
7 to read:

8 3033. (a) ~~The Pursuant to this section, the department shall,~~  
9 ~~upon application and payment of a fee, issue shall issue to a~~  
10 ~~disabled veteran or recovering service member who has not been~~  
11 ~~convicted of a violation of this code a reduced fee hunting license,~~  
12 ~~license that authorizes the licensee to take any a bird or mammal~~  
13 ~~as otherwise authorized pursuant to by this code and regulations~~  
14 ~~adopted pursuant thereto, to a disabled veteran, as defined in~~  
15 ~~subdivision (b), or to a recovering service member, as defined in~~  
16 ~~subdivision (c), who has not been convicted of any violation of~~  
17 ~~this code. The base license fee for a reduced fee hunting license~~  
18 ~~shall be four dollars (\$4) for the hunting license year beginning~~  
19 ~~on July 1, 1995, and, for the following years, this license fee may~~  
20 ~~be annually reviewed and adjusted in accordance with Section~~  
21 ~~713. to this code.~~

22 (b) *The base license fee for a reduced fee hunting license shall*  
23 *be four dollars (\$4) for the hunting license year beginning on July*  
24 *1, 1995, and, for the following years, this license fee may be*  
25 *annually reviewed and adjusted in accordance with Section 713.*

26 (c) *For the purposes of this section, the following terms have*  
27 *the following meanings:*

28 (b)

29 (1) “Disabled veteran” means a person having a 50 percent or  
30 greater service-connected disability and an honorable discharge  
31 from military service. ~~The person shall be eligible upon~~  
32 ~~presentation of proof of an honorable discharge from military~~  
33 ~~service and proof of the disability. Proof of the disability shall be~~  
34 ~~by certification from the United States Department of Veterans~~  
35 ~~Affairs or by presentation of a license issued pursuant to this~~  
36 ~~section in the preceding license year.~~

37 (e)

38 (2) “Recovering service member” means a member of the  
39 military who meets the definition of “recovering service member”  
40 in Section 1602(7) of the federal National Defense

1 ~~Authorization Act~~ *Authorization Act* for Fiscal Year 2008 (Public  
2 Law 110-181). A person shall be eligible for a reduced fee hunting  
3 license pursuant to this subdivision upon the submission of a letter,  
4 online or in hardcopy, to the department from that person's  
5 commanding officer or from a military medical doctor stating that  
6 the person is a recovering service member.

7 (d) A person applying for a reduced fee hunting license shall  
8 submit to the department adequate documentation for the  
9 department to determine whether the person is, in fact, eligible for  
10 a reduced fee hunting license. The department shall not issue a  
11 reduced fee hunting license to any a person unless it is satisfied  
12 that the person has provided adequate documentation of eligibility  
13 for that license.

14 (e) *A disabled veteran shall submit the following documentation:*

15 (1) *Proof of an honorable discharge from military service.*

16 (2) *Proof of the disability described in paragraph (1) of*  
17 *subdivision (c), either by certification from the United States*  
18 *Department of Veterans Affairs or by presentation of a license*  
19 *issued pursuant to this section in the preceding license year.*

20 (f) *A recovering service member shall submit a letter to the*  
21 *department stating that the person is a recovering service member*  
22 *as defined in subdivision (d), from either that person's commanding*  
23 *officer or a military medical doctor. The letter may be submitted*  
24 *either in hard copy form or online.*

25 SEC. 64. Section 3039 of the Fish and Game Code is amended  
26 to read:

27 3039. (a) Except as otherwise provided in this ~~section and~~  
28 ~~Sections 3087 and 4303, or any other section, Section 3087, Section~~  
29 ~~4303, another~~ provision of this code, or ~~regulations a regulation~~  
30 adopted pursuant ~~thereto, to this code~~, it is unlawful to sell or  
31 purchase any species of a bird or mammal or part thereof found  
32 in the wild in California.

33 (b) Products or handicraft items made from furbearing mammals  
34 and nongame mammals, ~~their carcass or parts thereof, mammals~~  
35 lawfully taken under the authority of a trapping ~~license, license~~  
36 may be purchased or sold at any time.

37 (c) Shed antlers, or antlers taken from domestically reared  
38 animals that have been manufactured into products or handicraft  
39 items, or that have been cut into blocks or units which are to be  
40 handcrafted or manufactured into those articles may be purchased

1 or sold at any time. However, complete antlers, whole heads with  
2 antlers, antlers that are mounted for display, or antlers in velvet  
3 may not be sold or purchased at any time, except as authorized by  
4 Section 3087.

5 (d) Notwithstanding Section 3504, inedible parts of domestically  
6 raised game birds may be sold or purchased at any time.

7 (e) ~~Any~~ A person who illegally takes ~~any~~ a bird or mammal for  
8 profit or for personal gain by engaging in ~~any~~ an activity authorized  
9 by this section is subject to civil liability pursuant to Section 2582.

10 SEC. 65. Section 3051 of the Fish and Game Code is amended  
11 to read:

12 3051. (a) The department shall provide for a course of  
13 instruction in hunter education, principles of conservation, and  
14 sportsmanship, and for this purpose may cooperate with any  
15 reputable association or organization having as one of its objectives  
16 the promotion of hunter safety, principles of conservation, and  
17 sportsmanship.

18 (b) The department may designate as a hunter education  
19 instructor any person found by it to be competent to give instruction  
20 in the courses required in this article. ~~A person so appointed shall~~  
21 ~~give that course of instruction, and, upon completion thereof, shall~~  
22 ~~issue to the person instructed a certificate of completion as provided~~  
23 ~~by the department in hunter safety, principles of conservation, and~~  
24 ~~sportsmanship.~~

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

29 ~~(e)~~

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

34 ~~(d)~~

35 (e) The department may revoke the certificate of ~~any~~ an  
36 instructor when, in the opinion of the department, it is in the best  
37 interest of the state to do so.

38 ~~(e)(1)~~

39 (f) In order to recruit and retain hunter education instructors,  
40 the department shall offer special hunting opportunities to qualified

1 hunter education instructors by providing a limited number of  
2 existing tags and other hunting opportunities. The department may  
3 provide these tags and hunting opportunities through any of the  
4 following methods:

5 (A)

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

8 (B)

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

12 (C)

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

15 (D)

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

19 (E)

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

22 (2)

23 (g) The department shall determine eligibility criteria for hunter  
24 education instructors seeking *the* hunting opportunities offered  
25 pursuant to ~~this subdivision. The department shall select hunter  
26 education instructors who meet these criteria for opportunities  
27 pursuant to this subdivision only by random drawing.~~ *subdivision*

28 (f). *The department shall offer hunting opportunities to eligible  
29 hunter education instructors only by random drawing.*

30 (F)

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

33 SEC. 66. Section 3052 of the Fish and Game Code is amended  
34 to read:

35 3052. ~~No fee shall~~ *A person receiving instruction from a hunter  
36 education instructor shall not be charged for the instructor's  
37 service, however, a fee for the service provided by the instructor,  
38 but may be charged a fee to cover the cost of giving such  
39 instructions may be charged each person participating and receiving  
40 such instructions. costs incurred by the instructor in teaching the*

1 ~~class.~~ A record of ~~such expenses~~ *these costs* shall be kept for  
2 inspection by the department. ~~Such expenses~~ *Costs* may include,  
3 but ~~are not be~~ limited to, ~~such items as~~ range fees, ~~ammunition~~  
4 ~~ammunition~~, and transportation of students.

5 SEC. 67. Section 3080 of the Fish and Game Code is amended  
6 to read:

7 3080. (a) For the purposes of this section, “donor intermediary”  
8 means a recipient who receives ~~a game birds or mammals~~ *bird or*  
9 *mammal* from a donor to give to a charitable organization or  
10 charitable entity. ~~A donor intermediary possessing game birds or~~  
11 ~~mammals during a period other than the open season shall have~~  
12 ~~the documentation described in paragraph (2) or (3) of subdivision~~  
13 ~~(b). There is no required format for the documentation. Any written~~  
14 ~~documentation containing the required information shall be deemed~~  
15 ~~to comply with this section.~~

16 (b) ~~The possession limit of any game bird or mammal may be~~  
17 ~~possessed during a period other than the open season if one of the~~  
18 ~~following conditions apply:~~

19 (b) *A person may possess a game bird or mammal during a*  
20 *period other than the open season for that game bird or mammal,*  
21 *up to the possession limit allowed for that game bird or mammal*  
22 *during the open season, in any of the following circumstances:*

23 (1) ~~The person has in his or her possession~~ *possesses* a hunting  
24 license and *a* validated tag or tags for the species possessed, or  
25 ~~copies a copy~~ of the license and tag or tags. The license and tag  
26 or tags shall have been issued to that person for the current or  
27 immediate past license year.

28 (2) ~~The person is a donor intermediary who~~ received the game  
29 bird or mammal from a ~~person~~ *donor* described in paragraph (1),  
30 and ~~the recipient~~ has *a written confirmation of the donation that*  
31 *is signed and dated by the donor, and* a photocopy of the donor’s  
32 hunting license and the applicable validated tag or tags ~~that has~~  
33 ~~been signed and dated by the donor confirming the donation. The~~  
34 ~~photocopied license and tag or tags shall be from the current or~~  
35 ~~immediate past license year.~~

36 (3) ~~The person is a donor intermediary who~~ received the game  
37 bird or mammal from a ~~person~~ *donor* described in paragraph (1),  
38 and ~~the recipient~~ has *a written confirmation of the donation* signed  
39 and dated ~~document confirming the donation that~~ *by the donor,*  
40 *which* includes the donor’s name, address, hunting license number,

1 and applicable tag numbers for the species possessed. The license  
 2 and tag or tags shall be for the current or immediate past license  
 3 year.

4 (c) The documentation required by subdivision (b) shall be made  
 5 available to the department as described in Section 2012. ~~Charitable~~  
 6 ~~organizations or charitable entities~~ *There is no required format for*  
 7 *the documentation. Any written documentation containing the*  
 8 *required information shall be deemed to comply with this section.*  
 9 *A charitable organization or charitable entity receiving and*  
 10 ~~distributing game birds or mammals~~ *a game bird or mammal for*  
 11 *a charitable or humane purposes, purpose shall maintain the*  
 12 *documentation described in paragraph (2) or (3) of subdivision (b)*  
 13 *for one year from the date of disposal.*

14 (d) This section does not authorize the possession of ~~game birds~~  
 15 ~~or carcasses or parts of a game bird or carcass~~ contrary to  
 16 regulations ~~issued~~ *adopted* pursuant to the federal Migratory Bird  
 17 Treaty Act (16 U.S.C. Sec. 703 et seq.).

18 (e) On or before January 1, 2015, and subject to the requirements  
 19 of subdivision (d), the commission shall recommend legislation  
 20 or adopt regulations to clarify when a possession limit is not  
 21 violated by processing into food lawfully taken game birds or  
 22 mammals.

23 SEC. 68. Section 3240.5 of the Fish and Game Code is  
 24 amended to read:

25 3240.5. (a) ~~As used in~~ *For purposes of this article, “property”*  
 26 *the following terms have the following meanings:*

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

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

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

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

36 (b) A person, including, but not limited to, ~~a renter or an owner,~~  
 37 ~~renter, or lessee, who is in possession or control of property on or~~  
 38 ~~with respect to which a fee for the privilege of taking birds or~~  
 39 ~~mammals is imposed or collected, or on or with respect to which~~  
 40 *a fee for any type of entry or use permit that includes the privilege*

1 of taking birds or mammals on the property is imposed or collected,  
 2 is maintaining a commercial hunting club if birds or mammals are  
 3 taken on the property, and shall procure a “commercial hunting  
 4 club license” before birds or mammals are taken. *a commercial  
 5 hunting club, shall procure a commercial hunting club license  
 6 before a bird or mammal may be taken on the property.*

7 (c) This article does not apply if the property meets any of the  
 8 following conditions: *under any of the following circumstances:*

9 (1) ~~The landowner, or the~~ *The fees described in paragraph (1)*  
 10 *of subdivision (a) that are received by the owner, renter or lessee,*  
 11 *lessee of the property receives are less than one hundred dollars*  
 12 *(\$100) per entrant and receives total less than a total of one*  
 13 *thousand dollars (\$1,000) between July 1 and the following June*  
 14 *30 for permission, entry access, or use fees that include the*  
 15 *privilege of hunting on the property in his or her possession or*  
 16 *control. The 30. Pursuant to Section 713, department may adjust*  
 17 *the threshold amounts established in this paragraph pursuant to*  
 18 *Section 713. paragraph.*

19 (2) ~~The property is used by a hunting club or program licensed~~  
 20 ~~under regulations adopted pursuant to this code.~~

21 (3) ~~The property is used for an officially sanctioned field trial~~  
 22 ~~event pursuant to regulations adopted pursuant to this code.~~

23 (4)

24 (2) The property is used in conjunction with the Shared Habitat  
 25 Alliance for Recreational Enhancement (SHARE) program under  
 26 Article 3 (commencing with Section 1570) of Chapter 5 of Division  
 27 2.

28 (5)

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

32 (6)

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

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

38 (7)

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

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

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

11 (d) ~~This article chapter does not apply to a landowner who rents~~  
 12 ~~or leases his or her property to the~~ *an owner of property that is*  
 13 *rented or leased to a commercial hunting club and club, if the*  
 14 *owner is not involved in the operation of the club, if club and the*  
 15 *club is licensed in accordance with this article. chapter.*

16 SEC. 69. Section 3243.5 of the Fish and Game Code is  
 17 amended to read:

18 3243.5. The commission may transfer a *commercial hunting*  
 19 *club* license to *other* land owned or controlled by the licensee,  
 20 ~~other than that land specified in the original application, located~~  
 21 in the same county as the ~~original~~ *originally licensed* land, without  
 22 ~~any~~ *an* additional fee, if ~~it~~ *the commission* finds the new land is  
 23 suitable for the purposes of the license and ~~such a~~ *the* transfer is  
 24 ~~not in~~ *does not* conflict with the public interest.

25 SEC. 70. Section 3504 of the Fish and Game Code is amended  
 26 to read:

27 3504. Subject to the provisions of this code permitting the sale  
 28 of domestically raised game birds, it is unlawful to sell or purchase  
 29 ~~any a~~ game bird or nongame ~~bird or part thereof.~~ *bird.*

30 SEC. 71. Section 3511 of the Fish and Game Code is amended  
 31 to read:

32 3511. (a) (1) Except as provided in *this section*, ~~Section 2081.7~~  
 33 ~~2081.7~~, or *Section 2835*, a fully protected ~~birds or parts thereof~~  
 34 *bird* may not be taken or possessed at any time. No provision of  
 35 this code or any other law shall be construed to authorize the  
 36 issuance of ~~permits or licenses~~ *a permit or license* to take ~~any a~~  
 37 fully protected bird, and no ~~permits or licenses heretofore~~ *permit*  
 38 *or license previously* issued shall have any force or effect for that  
 39 purpose. However, the department may authorize the taking of  
 40 ~~those species a~~ *fully protected bird* for necessary scientific research,

1 including efforts to recover fully protected, threatened, or  
2 endangered species, and may authorize the live capture and  
3 relocation of ~~those species~~ *a fully protected bird* pursuant to a  
4 permit for the protection of livestock. ~~Prior to~~ *Before* authorizing  
5 the take of ~~any of those species~~, *a fully protected bird*, the  
6 department shall make an effort to notify all affected and interested  
7 parties to solicit information and comments on the proposed  
8 authorization. The notification shall be published in the California  
9 Regulatory Notice Register and be made available to each person  
10 who has notified the department, in writing, of his or her interest  
11 in fully protected species and who has provided an e-mail address,  
12 if available, or postal address to the department. Affected and  
13 interested parties shall have 30 days after notification is published  
14 in the California Regulatory Notice Register to provide ~~any~~ relevant  
15 information and comments on the proposed authorization.

16 (2) As used in this subdivision, “scientific research” does not  
17 include ~~any actions~~ *an action* taken as part of specified mitigation  
18 for a project, as defined in Section 21065 of the Public Resources  
19 Code.

20 (3) ~~Legally~~ *A legally* imported fully protected ~~birds or parts~~  
21 ~~thereof~~ *bird* may be possessed under a permit issued by the  
22 department.

23 (b) The following are fully protected birds:

- 24 (1) American peregrine falcon (*Falco peregrinus anatum*).
- 25 (2) Brown pelican.
- 26 (3) California black rail (*Laterallus jamaicensis coturniculus*).
- 27 (4) California clapper rail (*Rallus longirostris obsoletus*).
- 28 (5) California condor (*Gymnogyps californianus*).
- 29 (6) California least tern (*Sterna albifrons browni*).
- 30 (7) Golden eagle.
- 31 (8) Greater sandhill crane (*Grus canadensis tabida*).
- 32 (9) Light-footed clapper rail (*Rallus longirostris levipes*).
- 33 (10) Southern bald eagle (*Haliaeetus leucocephalus*  
34 *leucocephalus*).
- 35 (11) Trumpeter swan (*Cygnus buccinator*).
- 36 (12) White-tailed kite (*Elanus leucurus*).
- 37 (13) Yuma clapper rail (*Rallus longirostris yumanensis*).

38 SEC. 72. Section 4150 of the Fish and Game Code is amended  
39 to read:

1 4150. ~~All mammals~~*A mammal* occurring naturally in California  
 2 ~~which are that is not a game mammals; mammal, fully protected~~  
 3 ~~mammals; mammal, or fur-bearing mammals, are mammal is a~~  
 4 ~~nongame mammals. Nongame mammals or parts thereof mammal.~~  
 5 *A nongame mammal* may not be taken or possessed except as  
 6 provided in this code or in accordance with regulations adopted  
 7 by the commission.

8 SEC. 73. Section 4155 of the Fish and Game Code is amended  
 9 to read:

10 4155. (a) Beginning January 1, 2014, it shall be unlawful to  
 11 ~~trap any a bobcat, or attempt to do so, or to sell or export any a~~  
 12 ~~bobcat or part of any bobcat~~ taken in the area surrounding Joshua  
 13 Tree National Park, defined as follows: East and South of State  
 14 Highway 62 from the intersection of Interstate 10 to the intersection  
 15 of State Highway 177; West of State Highway 177 from the  
 16 intersection of State Highway 62 to the intersection with Interstate  
 17 10; North of Interstate 10 from State Highway 177 to State  
 18 Highway 62.

19 (b) (1) Through the commission’s next regularly scheduled  
 20 mammal hunting and trapping rulemaking process occurring after  
 21 January 1, 2014, the commission shall amend its regulations to  
 22 prohibit the trapping of bobcats adjacent to the boundaries of each  
 23 national or state park and national monument or wildlife refuge in  
 24 which bobcat trapping is prohibited.

25 (2) Commencing January 1, 2016, the commission shall consider  
 26 whether to prohibit bobcat trapping within, and adjacent to,  
 27 preserves, state conservancies, and any additional public or private  
 28 conservation areas identified to the commission by the public as  
 29 warranting protection. The commission, as necessary, shall amend  
 30 its regulations through its next subsequently scheduled mammal  
 31 hunting and trapping rulemaking process to prohibit bobcat  
 32 trapping in any area determined by the commission to warrant  
 33 protection.

34 (3) The commission shall delineate the boundaries of an area  
 35 in which bobcat trapping is prohibited pursuant to paragraph (1)  
 36 or (2) using readily identifiable features, such as highways or other  
 37 major roads, such as those delineated for Joshua Tree National  
 38 Park in subdivision (a).

39 (c) The prohibition on the trapping of bobcats in the areas  
 40 designated pursuant to subdivisions (a) and (b) shall not apply to

1 the taking of ~~any a~~ bobcat by ~~employees~~ *an employee* of the  
2 department acting in an official capacity, to a taking in accordance  
3 with the conditions of a scientific, educational, or propagation  
4 permit pursuant to Section 1002 by the holder of that permit, or  
5 to the lawful taking of ~~bobcats~~ *a bobcat* found to be injuring crops  
6 or other ~~property~~ *property*, pursuant to Section ~~4152~~ *or other*  
7 ~~provisions 4152, another provision~~ of this ~~code or regulations~~  
8 *code, or a regulation* adopted pursuant to this code.

9 (d) Notwithstanding Section 2016 or any other ~~provisions~~  
10 *provision* of this code, on and after January 1, 2014, it shall be  
11 unlawful to trap ~~any a~~ bobcat, or attempt to do so, on ~~any~~ private  
12 land not belonging to the trapper without the express written  
13 consent of the owner of that property. The placing or possession  
14 of ~~any a~~ trap or the possession of a bobcat ~~or part thereof~~ on ~~any~~  
15 land is prima facie evidence of a violation of this subdivision.

16 (e) Consistent with the requirements of subdivision (c) of  
17 Section 4006, the commission shall set trapping license fees and  
18 associated fees, including, but not limited to, shipping tags required  
19 pursuant to Section 479 of Chapter 6 of Subdivision 2 of Division  
20 1 of Title 14 of the California Code of Regulations, for the 2014–15  
21 season, and any subsequent seasons in which bobcat trapping is  
22 allowed, at the levels necessary to fully recover all reasonable  
23 administrative and implementation costs of the department and  
24 the commission associated with the trapping of bobcats in the state,  
25 including, but not limited to, enforcement costs.

26 (f) This section does not limit the ability of the department or  
27 the commission to impose additional requirements, restrictions,  
28 or prohibitions related to the taking of bobcats, including a  
29 complete prohibition on the trapping of bobcats pursuant to this  
30 code.

31 SEC. 74. Section 4700 of the Fish and Game Code is amended  
32 to read:

33 4700. (a) (1) Except as provided in *this section*, Section ~~2081.7~~  
34 *2081.7*, or Section 2835, a fully protected ~~mammals or parts thereof~~  
35 *mammal* may not be taken or possessed at any time. No provision  
36 of this code or any other law shall be construed to authorize the  
37 issuance of ~~permits or licenses~~ *a permit or license* to take ~~any a~~  
38 fully protected mammal, and no ~~permits or licenses~~ *heretofore*  
39 *permit or license* previously issued shall have any force or effect  
40 for that purpose. However, the department may authorize the taking

1 ~~of those species~~ *a fully protected mammal* for necessary scientific  
 2 research, including efforts to recover fully protected, threatened,  
 3 or endangered species. ~~Prior to~~ *Before* authorizing the take of ~~any~~  
 4 ~~of those species~~, *a fully protected mammal*, the department shall  
 5 make an effort to notify all affected and interested parties to solicit  
 6 information and comments on the proposed authorization. The  
 7 notification shall be published in the California Regulatory Notice  
 8 Register and be made available to each person who has notified  
 9 the department, in writing, of his or her interest in fully protected  
 10 species and who has provided an e-mail address, if available, or  
 11 postal address to the department. Affected and interested parties  
 12 shall have 30 days after notification is published in the California  
 13 Regulatory Notice Register to provide ~~any~~ relevant information  
 14 and comments on the proposed authorization.

15 (2) As used in this subdivision, “scientific research” does not  
 16 include ~~any actions~~ *an action* taken as part of specified mitigation  
 17 for a project, as defined in Section 21065 of the Public Resources  
 18 Code.

19 (3) ~~Legally~~ *A legally* imported fully protected ~~mammals or parts~~  
 20 ~~thereof~~ *mammal* may be possessed under a permit issued by the  
 21 department.

22 (b) The following are fully protected mammals:

23 (1) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*).

24 (2) Bighorn sheep (*Ovis canadensis*), except Nelson bighorn  
 25 sheep (subspecies *Ovis canadensis nelsoni*) as provided by  
 26 subdivision (b) of Section 4902.

27 (3) Northern elephant seal (*Mirounga angustirostris*).

28 (4) Guadalupe fur seal (*Arctocephalus townsendi*).

29 (5) Ring-tailed cat (genus *Bassariscus*).

30 (6) Pacific right whale (*Eubalaena sieboldi*).

31 (7) Salt-marsh harvest mouse (*Reithrodontomys raviventris*).

32 (8) Southern sea otter (*Enhydra lutris nereis*).

33 (9) Wolverine (*Gulo luscus*).

34 SEC. 75. Section 4800 of the Fish and Game Code is amended  
 35 to read:

36 4800. (a) The mountain lion (genus *Puma*) is a specially  
 37 protected mammal under the laws of this state.

38 (b) (1) It is unlawful to take, injure, possess, transport, import,  
 39 or sell ~~any a mountain lion or any part or a product thereof, of a~~

1 *mountain lion*, except as specifically provided in this chapter or  
2 in Chapter 2 (commencing with Section 2116) of Division 3.

3 (2) This chapter does not prohibit the sale or possession of ~~any~~  
4 *a mountain lion or any part or a product thereof, of a mountain*  
5 *lion*, when the owner can demonstrate that the mountain lion, ~~or~~  
6 ~~part or product thereof, of a mountain lion~~, was in the person's  
7 possession on June 6, 1990.

8 (3) This chapter does not prohibit the possession of a mountain  
9 lion carcass ~~or any part or a product of a mountain lion carcass~~, if  
10 all of the following requirements are met:

11 (A) The carcass or carcass ~~part or product~~ is prepared or being  
12 prepared for display, exhibition, or storage, for a bona fide  
13 scientific or educational purpose, at a nonprofit museum or  
14 government-owned facility generally open to the public or at an  
15 educational institution, including a public or private postsecondary  
16 institution.

17 (B) The mountain lion was taken in California consistent with  
18 the requirements of this chapter and any other applicable law.

19 (C) The department has authorized the possession of the carcass  
20 or carcass ~~part or product~~ for the purposes of this paragraph.

21 (c) ~~Any~~A violation of this section is a misdemeanor punishable  
22 by imprisonment in the county jail for not more than one year, or  
23 a fine of not more than ten thousand dollars (\$10,000), or by both  
24 that fine and imprisonment. An individual is not guilty of a  
25 violation of this section if it is demonstrated that, in taking or  
26 injuring a mountain lion, the individual was acting in self-defense  
27 or in defense of others.

28 (d) Section 219 does not apply to this chapter. Neither the  
29 commission nor the department shall adopt any regulation that  
30 conflicts with or supersedes ~~any of the provisions~~ *a provision* of  
31 this chapter.

32 SEC. 76. Section 4810 of the Fish and Game Code is amended  
33 to read:

34 4810. (a) As used in this section:

35 (1) "Authorized research project" means a research project  
36 involving mountain lions subject to a Scientific Collecting Permit  
37 issued in accordance with this section.

38 (2) "Permitholder" means a person to whom the department has  
39 issued a Scientific Collecting Permit in accordance with this  
40 section.

1 (3) “Scientific Collecting Permit” or “permit” means a permit  
2 issued pursuant to Section 1002 for a research project involving  
3 mountain lions in accordance with this section.

4 (b) The department may authorize qualified individuals,  
5 educational institutions, governmental agencies, or  
6 nongovernmental organizations to conduct scientific research  
7 involving mountain lions pursuant to a Scientific Collecting Permit  
8 as provided in Section 1002.

9 (c) The department may authorize ~~permitholders~~ *a permitholder*  
10 to pursue, capture, temporarily possess, temporarily injure, mark,  
11 ~~attach to or surgically implant a monitoring or recognition devices~~  
12 ~~in, device in or attach such a device to,~~ provide veterinary care to,  
13 and transport, ~~a mountain lions, or any part~~ *lion* or *a product of a*  
14 *mountain lion.*

15 (d) In addition to the requirements in Section 1002, an  
16 authorized research project shall be designed to do the following:

17 (1) Contribute to the knowledge of natural wildlife ecosystems.

18 (2) Minimize disruptions in the lives and movements of  
19 mountain lions and other wildlife, as well as impacts to mountain  
20 lion or other wildlife habitat, while maintaining the permitholder’s  
21 research objectives.

22 (3) Directly or indirectly support the sustainability and survival  
23 of mountain lion populations and healthy ecosystems.

24 (4) Prevent the permanent injury or killing of ~~any~~ *a* mountain  
25 lion.

26 (e) An authorized research project shall be governed by the  
27 Scientific Collecting Permit. The permit shall include, at a  
28 minimum, proposed research methods and recordkeeping  
29 procedures that address the following:

30 (1) The capture of, anesthetization of, collection of diagnostic  
31 samples from, and transport of, ~~a mountain lions or parts and~~  
32 ~~products thereof, and the attaching to or surgically implanting~~  
33 ~~lion or a product of a mountain lion.~~

34 (2) ~~Attaching~~ *Attaching* monitoring or recognition devices ~~or markings~~  
35 ~~in, and providing to, surgically implanting those devices in, or~~  
36 ~~marking, animals affected by the research project.~~

37 (3) ~~Providing~~ *Providing* veterinary care as required for the health, safety,  
38 and humane treatment ~~of,~~ *of* animals affected by the research  
39 project.

40 (2)

1 (4) The recording of the adverse effects of authorized research  
2 procedures on mountain lions and other wildlife.

3 ~~(3)~~

4 (5) The qualifications of onsite personnel necessary for carrying  
5 out authorized research procedures. A permit applicant shall submit  
6 verifiable documentation demonstrating that at least one onsite  
7 staff person has at least one year of experience in proposed research  
8 methods that involve activities described in subdivision (c).

9 ~~(4)~~

10 (6) Annual and final reports to the department.

11 (f) The department shall notify the public at least 30 days prior  
12 to the issuance of a permit, and, upon request, shall make available  
13 to the public copies of the permit and annual and final reports.

14 (g) The department shall handle ~~any~~ mortality or permanent  
15 injury to a mountain lion as a result of research authorized pursuant  
16 to this section in a manner consistent with the reporting and  
17 processing requirements imposed in Section 4807.

18 SEC. 77. Section 5000 of the Fish and Game Code is amended  
19 to read:

20 5000. It is unlawful to sell, purchase, harm, take, possess, ~~or~~  
21 ~~transport any tortoise (Gopherus) or parts thereof, or to transport,~~  
22 ~~or shoot any a projectile at at, a tortoise (Gopherus).~~ This section  
23 does not apply to the taking of ~~any a~~ tortoise when authorized by  
24 the department.

25 SEC. 78. Section 5002 of the Fish and Game Code is amended  
26 to read:

27 5002. The department may issue permits, subject to ~~such any~~  
28 ~~terms and conditions as the commission may prescribe, prescribed~~  
29 ~~by the commission,~~ authorizing the possession of ~~any a~~ tortoise  
30 (Gopherus) or ~~any part or product thereof of a tortoise~~ by an  
31 educational or scientific institution or a public zoological garden.

32 SEC. 79. Section 5050 of the Fish and Game Code is amended  
33 to read:

34 5050. (a) (1) Except as provided in *this section*, Section  
35 2081.7, *Section 2081.9*, or *Section 2835*, a fully protected ~~reptiles~~  
36 ~~and amphibians or parts thereof reptile or amphibian~~ may not be  
37 taken or possessed at any time. No provision of this code or any  
38 other law shall be construed to authorize the issuance of ~~permits~~  
39 ~~or licenses a permit or license~~ to take ~~any a~~ fully protected reptile  
40 or amphibian, and no ~~permits or licenses heretofore permit or~~

1 *license previously* issued shall have any force or effect for that  
 2 purpose. However, the department may authorize the taking of  
 3 ~~those species~~ *a fully protected reptile or amphibian* for necessary  
 4 scientific research, including efforts to recover fully protected,  
 5 threatened, or endangered species. ~~Prior to~~ *Before* authorizing the  
 6 take of ~~any of those species,~~ *a fully protected reptile or amphibian,*  
 7 the department shall make an effort to notify all affected and  
 8 interested parties to solicit information and comments on the  
 9 proposed authorization. The notification shall be published in the  
 10 California Regulatory Notice Register and be made available to  
 11 each person who has notified the department, in writing, of his or  
 12 her interest in fully protected species and who has provided an  
 13 email address, if available, or postal address to the department.  
 14 Affected and interested parties shall have 30 days after notification  
 15 is published in the California Regulatory Notice Register to provide  
 16 ~~any~~ relevant information and comments on the proposed  
 17 authorization.

18 (2) As used in this subdivision, “scientific research” does not  
 19 include ~~any actions~~ *an action* taken as part of specified mitigation  
 20 for a project, as defined in Section 21065 of the Public Resources  
 21 Code.

22 (3) ~~Legally~~ *A legally* imported fully protected ~~reptiles or~~  
 23 ~~amphibians or parts thereof~~ *reptile or amphibian* may be possessed  
 24 under a permit issued by the department.

- 25 (b) The following are fully protected reptiles and amphibians:  
 26 (1) Blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*).  
 27 (2) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).  
 28 (3) Santa Cruz long-toed salamander (*Ambystoma*  
 29 *macrodactylum croceum*).  
 30 (4) Limestone salamander (*Hydromantes brunus*).  
 31 (5) Black toad (*Bufo boreas exsul*).

32 SEC. 80. Section 5515 of the Fish and Game Code is amended  
 33 to read:

34 5515. (a) (1) Except as provided in *this section*, ~~Section 2081.7~~  
 35 ~~2081.7~~, or *Section 2835*, ~~a~~ fully protected fish ~~or parts thereof~~ may  
 36 not be taken or possessed at any time. No provision of this code  
 37 or any other law shall be construed to authorize the issuance of  
 38 ~~permits or licenses~~ *a permit or license* to take ~~any~~ a fully protected  
 39 fish, and no ~~permits or licenses heretofore~~ *permit or license*  
 40 ~~previously~~ issued shall have ~~any~~ force or effect for that purpose.

1 However, the department may authorize the taking of ~~those species~~  
2 *a fully protected fish* for necessary scientific research, including  
3 efforts to recover fully protected, threatened, or endangered species.  
4 ~~Prior to~~ *Before* authorizing the take of ~~any of those species,~~ *a fully*  
5 *protected fish,* the department shall make an effort to notify all  
6 affected and interested parties to solicit information and comments  
7 on the proposed authorization. The notification shall be published  
8 in the California Regulatory Notice Register and be made available  
9 to each person who has notified the department, in writing, of his  
10 or her interest in fully protected species and who has provided an  
11 e-mail address, if available, or postal address to the department.  
12 Affected and interested parties shall have 30 days after notification  
13 is published in the California Regulatory Notice Register to provide  
14 ~~any~~ relevant information and comments on the proposed  
15 authorization.

16 (2) As used in this subdivision, “scientific research” does not  
17 include ~~any actions~~ *an action* taken as part of specified mitigation  
18 for a project, as defined in Section 21065 of the Public Resources  
19 Code.

20 (3) ~~Legally~~ *A legally* imported fully protected fish ~~or parts~~  
21 ~~thereof~~ may be possessed under a permit issued by the department.

22 (b) The following are fully protected fish:

23 (1) Colorado River squawfish (*Ptychocheilus lucius*).

24 (2) Thicktail chub (*Gila crassicauda*).

25 (3) Mohave chub (*Gila mohavensis*).

26 (4) Lost River sucker (*Catostomus luxatus*).

27 (5) Modoc sucker (*Catostomus microps*).

28 (6) Shortnose sucker (*Chasmistes brevirostris*).

29 (7) Humpback sucker (*Xyrauchen texanus*).

30 (8) Owens River pupfish (*Cyprinoden radiosus*).

31 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus*  
32 *williamsoni*).

33 (10) Rough sculpin (*Cottus asperrimus*).

34 SEC. 81. Section 6440 of the Fish and Game Code is amended  
35 to read:

36 6440. The Legislature finds and declares that triploid grass  
37 carp have the potential to control aquatic nuisance plants in  
38 non-public waters allowing for reduced chemical control but that  
39 the threat that grass carp pose to aquatic habitat may outweigh its  
40 benefits. It is the intent of this section to allow the ~~Department of~~

1 ~~Fish and Game~~ *department* to use its management authority to  
2 provide for the long-term health of the ecosystem in the state  
3 including the aquatic ecosystem, and in that context, manage grass  
4 carp either through control of movement, eradication of  
5 populations, acquisition of habitat and any other action that the  
6 department finds will maintain the biological diversity and the  
7 long term, overall health of the state's environment. The  
8 department shall undertake the management of grass carp in a  
9 manner that is consistent with provisions of this code and for the  
10 purposes of this section the department shall define management  
11 as handling, controlling, destroying, or moving species. The  
12 Legislature does not intend for this section to provide a right for  
13 the use of triploid grass carp if the department finds that use of the  
14 species poses an unacceptable risk to the state's existing ecosystem.

15 SEC. 82. Section 6901 of the Fish and Game Code is amended  
16 to read:

17 6901. The Legislature, for purposes of this chapter, finds as  
18 follows:

19 (a) According to the department, the natural production of  
20 salmon and steelhead trout in California has declined to  
21 approximately 1,000,000 adult chinook or king salmon, 100,000  
22 coho or silver salmon, and 150,000 steelhead trout.

23 (b) The naturally spawning salmon and steelhead trout resources  
24 of the state have declined dramatically within the past four decades,  
25 primarily as a result of lost stream habitat on many streams in the  
26 state.

27 (c) Much of the loss of salmon and steelhead trout and  
28 anadromous fish in the state has occurred in the central valley.

29 (d) Protection of, and an increase in, the naturally spawning  
30 salmon and steelhead trout resources of the state would provide a  
31 valuable public resource to the residents, a large statewide  
32 economic benefit, and would, in addition, provide employment  
33 opportunities not otherwise available to the citizens of this state,  
34 particularly in rural areas of present underemployment.

35 (e) Proper salmon and steelhead trout resource management  
36 requires maintaining adequate levels of natural, as compared to  
37 hatchery, spawning and rearing.

38 (f) Reliance upon hatchery production of salmon and steelhead  
39 trout in California is at or near the maximum percentage that it  
40 should occupy in the mix of natural and artificial hatchery

1 production in the state. Hatchery production may be an appropriate  
2 means of protecting and increasing salmon and steelhead in specific  
3 situations; however, when both are feasible alternatives, preference  
4 shall be given to natural production.

5 (g) The protection of, and increase in, the naturally spawning  
6 salmon and steelhead trout of the state must be accomplished  
7 primarily through the improvement of stream habitat.

8 (h) Funds provided by the Legislature since 1978 to further the  
9 protection and increase of the fisheries of the state have been  
10 administered by the ~~Department of Fish and Game~~ *department* in  
11 a successful program of contracts with local government and  
12 nonprofit agencies and private groups in ways that have attracted  
13 substantial citizen effort.

14 (i) The department's contract program has demonstrated that  
15 California has a large and enthusiastic corps of citizens that are  
16 eager to further the restoration of the stream and fishery resources  
17 of this state and that are willing to provide significant amounts of  
18 time and labor to that purpose.

19 (j) There is need for a comprehensive salmon, steelhead trout,  
20 and anadromous fisheries plan, program, and state government  
21 organization to guide the state's efforts to protect and increase the  
22 naturally spawning salmon, steelhead trout, and anadromous fishery  
23 resources of the state.

24 SEC. 83. Section 7183 of the Fish and Game Code is amended  
25 to read:

26 7183. (a) The Arizona Game and Fish Commission shall  
27 handle California sportfishing licenses and California special use  
28 stamps and issue them to Arizona license dealers. Prior to August  
29 31 of each year, that commission shall make an audit report and  
30 send a remittance for those sales to the ~~California Department of~~  
31 ~~Fish and Game.~~ *department*.

32 (b) The ~~California Department of Fish and Game~~ *department*  
33 shall handle Arizona special use stamps and issue them to  
34 California license dealers. Prior to August 31 of each year, that  
35 department shall make an audit report and send a remittance for  
36 those sales to the Arizona Game and Fish Commission.

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

1 SEC. 84. Section 7183.1 of the Fish and Game Code is  
 2 amended to read:

3 7183.1. (a) The Arizona Game and Fish Commission shall  
 4 handle California sportfishing licenses and California special use  
 5 validations and issue them through Arizona license dealers. Prior  
 6 to August 31 of each year, that commission shall make an audit  
 7 report and send a remittance for those issued to the ~~California~~  
 8 ~~Department of Fish and Game~~. *department*.

9 (b) ~~The California Department of Fish and Game~~ *department*  
 10 shall handle Arizona special use validations and issue them through  
 11 California license dealers. Prior to August 31 of each year that  
 12 department shall make an audit report and send a remittance for  
 13 those issued to the Arizona Game and Fish Commission.

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

17 SEC. 85. Section 7370 of the Fish and Game Code is amended  
 18 to read:

19 7370. (a) It is unlawful to take or possess for commercial  
 20 purposes, buy or sell, or ~~to offer to buy or sell,~~ ~~any~~ a whole  
 21 sturgeon, or ~~any part thereof,~~ *of a sturgeon*, including, but not  
 22 limited to, *its* eggs, except as follows:

23 (1) A sturgeon, ~~or parts thereof,~~ *that is part of a sturgeon, or*  
 24 *sturgeon eggs*, taken or possessed by, and ~~is~~ the cultured progeny  
 25 of, an aquaculturist who is registered under Section 15101, may  
 26 be *bought or sold* ~~or purchased~~ subject to regulations of the  
 27 commission.

28 (2) A sturgeon, ~~or parts thereof,~~ *that is part of a sturgeon, or*  
 29 *sturgeon eggs*, taken commercially in another state that permits  
 30 the sale of ~~the fish~~ *sturgeon*, and lawfully imported under Section  
 31 2363, may be possessed, ~~sold, or purchased.~~ *bought, or sold*.

32 (3) Sturgeon, ~~or parts thereof,~~ *part of a sturgeon*, taken pursuant  
 33 to a sport fishing license, *that is processed* in accordance with  
 34 Section 7230.

35 (b) For purposes of this section, it is prima facie evidence that  
 36 ~~a sturgeon, or parts thereof,~~ *sturgeon or part of a sturgeon* is  
 37 possessed for commercial ~~purposes~~ *purposes*, if the possession of  
 38 ~~sturgeon~~ is more than two times the sport bag limit.

39 SEC. 86. Section 7704 of the Fish and Game Code is amended  
 40 to read:

1 7704. (a) It is unlawful to cause or permit ~~any~~ deterioration  
2 or waste of ~~any~~ a fish taken in the waters of this state, or brought  
3 into this state, or to take, receive or agree to receive more fish than  
4 can be used without deterioration, waste, or spoilage.

5 (b) Except as permitted by this code, it is unlawful to use ~~any~~  
6 a fish, ~~or part thereof~~, except fish offal, in a reduction plant or by  
7 a reduction process.

8 (c) Except as permitted by this code or by regulation of the  
9 commission, it is unlawful to sell, purchase, deliver for a  
10 commercial ~~purposes~~, *purpose*, or possess on ~~any~~ a commercial  
11 fishing vessel registered pursuant to Section ~~7881~~ *any 7881*, a  
12 shark fin or ~~shark tail or portion thereof~~ *part of a shark fin or tail*  
13 that has been removed from the carcass. However, a thresher shark  
14 ~~tails and fins~~ *fin or tail* that ~~have~~ *has* been removed from the  
15 carcass and whose original shape ~~remain~~ *remains* unaltered may  
16 be possessed on a registered commercial fishing vessel if the  
17 ~~corresponding carcass is in possession for each tail and fin.~~ *carcass*  
18 *corresponding to the fin or tail is also possessed.*

19 SEC. 87. Section 7856 of the Fish and Game Code is amended  
20 to read:

21 7856. Notwithstanding any other provision of this division,  
22 except as provided in subdivision (f) and except when prohibited  
23 by federal law, fish may be prepared for human consumption  
24 aboard a commercial fishing vessel only under the following  
25 conditions:

26 (a) The fish are taken under all existing commercial fishing laws  
27 and regulations and, except as provided in subdivision (f), the fish  
28 is of a species and size that can be lawfully taken under sportfishing  
29 regulations in the area where taken and are taken incidental to  
30 normal commercial fishing operations.

31 (b) The fish is separated from other fish and stored with other  
32 foodstuff for consumption by the crew and passengers aboard the  
33 vessel.

34 (c) ~~The fish, or parts thereof,~~ *fish* shall not be bought, sold,  
35 offered for sale, transferred to ~~any other~~ *another* person, landed,  
36 brought ashore, or used for ~~any a purpose except for~~ *other than*  
37 consumption by the crew and passengers.

38 (d) (1) All fish shall be maintained in ~~such~~ a condition that the  
39 species can be determined, and the size or weight can be

1 determined if a size or weight limit applies, until the fish is  
2 prepared for immediate consumption.

3 (2) If the fish is filleted, a patch of skin shall be retained on each  
4 fillet as prescribed by the commission in the sportfishing  
5 regulations until the fish is prepared for immediate consumption.

6 (3) Fillets from fish possessed under sportfishing regulations  
7 shall be of the minimum length prescribed by commission  
8 regulations.

9 (e) ~~No~~ A fish ~~which~~ *that* may be possessed under sportfishing  
10 regulations ~~may~~ *shall not* be possessed in excess of the sport bag  
11 limit for each crew member and passenger on board the vessel.

12 (f) Notwithstanding other provisions of this section, kelp bass,  
13 sand bass, spotted bass, yellowfin croaker, spotfin croaker,  
14 California corbina, and marlin, shall not be possessed aboard a  
15 commercial fishing vessel while that vessel is on a commercial  
16 fishing trip. Lobster, salmon, or abalone shall not be possessed  
17 aboard a commercial fishing vessel while that vessel is on a  
18 commercial fishing trip for preparation for human consumption  
19 pursuant to this section unless that lobster, salmon, or abalone is  
20 taken and possessed in compliance with all applicable laws  
21 pertaining to commercial fishing methods of take, licenses, permits,  
22 and size limits. Sturgeon or striped bass shall not be possessed  
23 aboard a commercial fishing vessel. ~~No~~ A person shall *not* take or  
24 possess ~~any~~ a fish on a commercial fishing vessel under a  
25 sportfishing license while that vessel is engaged in a commercial  
26 fishing activity, including going to or from an area where fish are  
27 taken for commercial purposes.

28 SEC. 88. Section 7880 of the Fish and Game Code is amended  
29 to read:

30 7880. (a) ~~Every~~ A person owning or operating ~~any~~ a vessel  
31 used in connection with fishing operations for profit who has been  
32 issued a commercial boat registration pursuant to Section 7881  
33 shall display, for the purpose of identification, a ~~Department of~~  
34 ~~Fish and Game~~ *department* registration number on the vessel in a  
35 manner designated by the department.

36 (b) The method of displaying the registration number on the  
37 vessel shall be determined by the department after consultation  
38 with the ~~Department~~ *Division* of Boating and Waterways, taking  
39 into consideration the responsibilities and duties of the ~~Department~~

1 *Division* of Boating and Waterways as prescribed in the Harbors  
2 and Navigation Code.

3 (c) The registration number is not transferable, and it is a  
4 permanent fixture upon the vessel for which it is originally issued.

5 SEC. 89. Section 8079.1 of the Fish and Game Code is  
6 amended to read:

7 8079.1. Notwithstanding any other provision of this code or  
8 regulation enacted pursuant thereto, ~~the Director of the Department~~  
9 ~~of Fish and Game, adopted pursuant to this code, the director~~ or  
10 a representative appointed by ~~him, the director,~~ may, without notice  
11 or a hearing, grant a license to ~~a fish reduction plants~~ *plant* to  
12 dispose of dead or dying fish. The license may be immediately  
13 issued by the director or ~~his~~ *the director's* representative whenever  
14 ~~such~~ *that* person determines, in ~~his~~ *that person's* discretion, that  
15 an emergency situation exists. The estimated tonnage to be reduced  
16 shall be specified as a limit in the license.

17 SEC. 90. Section 8182 of the Fish and Game Code is amended  
18 to read:

19 8182. The operator of ~~any a~~ boat engaged in taking anchovies  
20 in waters south of the line described in Section 8180 shall at all  
21 times while operating ~~such the~~ boat identify it by displaying on an  
22 exposed part of the superstructure, amidships on each side and on  
23 top of the house visible from the air, the ~~Department of Fish and~~  
24 ~~Game~~ *department* registration number of the boat, in 14-inch black  
25 numerals on white background.

26 SEC. 91. Section 8281 of the Fish and Game Code is amended  
27 to read:

28 8281. Crab meat and frozen ~~whole crabs or parts thereof, which~~  
29 ~~are crab~~ taken during the open ~~season,~~ *season* may be possessed,  
30 transported, and sold at any time, subject to the regulations of the  
31 commission. The cost of inspection and marking, under the  
32 regulations of the commission, shall be paid by the owner or seller  
33 of ~~such crab meat, crabs, or parts thereof.~~ *the crab or crab meat.*

34 SEC. 92. Section 8371 of the Fish and Game Code is amended  
35 to read:

36 8371. Striped bass ~~or salmon, or parts thereof,~~ *and salmon* may  
37 be sold or offered for sale only under the following conditions:

38 (a) If the striped ~~bass, or parts thereof,~~ *bass* is taken or possessed  
39 by, and is the cultured progeny of, an aquaculturist who is

1 registered under Section 15101, that striped bass may be sold or  
2 purchased subject to regulations of the commission.

3 (b) If the striped ~~bass, or parts thereof,~~ *bass* is taken legally in  
4 another state that permits the sale of that fish and if the fish is  
5 lawfully imported under Section 2363, the striped ~~bass, or parts~~  
6 ~~thereof,~~ *bass* may be possessed, sold, or purchased.

7 (c) If the ~~salmon, or parts thereof,~~ *salmon* is taken legally in  
8 another state that permits the sale of salmon, and is lawfully  
9 imported consistent with Section 2361, the ~~salmon, or parts thereof,~~  
10 *salmon* may be possessed, sold, or purchased.

11 (d) If the ~~salmon, or parts thereof,~~ *salmon* is taken in accordance  
12 with Article 4 (commencing with Section 8210.2), the ~~salmon, or~~  
13 ~~parts thereof,~~ *salmon* may be possessed, sold, or purchased.

14 SEC. 93. Section 8393 of the Fish and Game Code is amended  
15 to read:

16 8393. (a) Except where subdivision (b) has been complied  
17 with, marlin meat, whether fresh, smoked, canned, or preserved  
18 by any means, shall not be bought or sold, or possessed or  
19 transported for the purpose of sale.

20 (b) Notwithstanding the provisions of subdivision (a) of this  
21 section, black marlin (*Makaira Indica*) may be imported into this  
22 state for the purpose of processing (manufacturing) a product  
23 commonly known as fish cakes for human consumption. All ~~such~~  
24 black marlin (*Makaira Indica*) imported into this state must be in  
25 an identifiable condition and accompanied by a bill of lading,  
26 showing the name of the consignor, the consignee, and the weight  
27 or number of fish shipped. A copy of the bill of lading must be  
28 delivered to the nearest office of the ~~Department of Fish and Game~~  
29 *department* either prior to or no later than two days after receipt  
30 of the fish. No ~~such~~ black marlin (*Makaira Indica*) imported into  
31 California may leave the premises of the original consignee unless  
32 written permission is received from the ~~Department of Fish and~~  
33 ~~Game,~~ *department*, or unless processed into the form of the product  
34 commonly known as fish cakes.

35 SEC. 94. Section 8563 of the Fish and Game Code is amended  
36 to read:

37 8563. (a) Except as provided in subdivision (b), the permittee  
38 shall be aboard the vessel and shall be in possession of a valid drift  
39 gill net shark and swordfish permit when engaged in operations  
40 authorized by the permit.

1 (b) A permittee may have ~~any a~~ person serve in ~~his or her~~ *the*  
2 *permittee's* place on the permittee's vessel and engage in fishing  
3 under ~~his or her~~ *the permittee's* drift gill net shark and swordfish  
4 permit for not more than 15 ~~calendar~~ days in ~~any one a~~ *calendar*  
5 year, except that a longer period may be allowed in the event of  
6 serious illness. A permittee shall notify the department's Long  
7 Beach office of a substitution of 15 days or less per calendar year,  
8 by certified letter or telegram at least 24 hours ~~prior to~~ *before* the  
9 commencement of the trip. Written authorization for a substitution  
10 of greater than 15 days shall be obtained from the director and  
11 shall be given only on the director's finding that the permittee will  
12 not be available to engage in the activity due to serious illness,  
13 supported by medical evidence. An application for a substitution  
14 of greater than 15 days shall be made to the ~~Department of Fish~~  
15 ~~and Game, Headquarters Office,~~ *department's headquarters office*  
16 *in* Sacramento, and shall contain ~~such any~~ information ~~as the~~  
17 director ~~may require.~~ *Any requires.* A denial of the substitution  
18 may be appealed to the commission.

19 SEC. 95. Section 10500 of the Fish and Game Code is amended  
20 to read:

21 10500. Except under a permit or specific authorization, it is  
22 unlawful to do any of the following:

23 (a) To take or possess ~~any a~~ bird or ~~mammal,~~ or part thereof,  
24 *mammal* in ~~any a~~ game refuge.

25 (b) To use or have in possession in a game refuge, ~~any a~~ firearm,  
26 BB device as defined in Section 16250 of the Penal Code,  
27 crossbow, bow and arrow, or ~~any a~~ trap or other contrivance  
28 designed to be, or capable of being, used to take birds or mammals,  
29 or to discharge ~~any a~~ firearm or BB device or to release ~~any an~~  
30 arrow or crossbow bolt into ~~any a~~ game refuge.

31 (c) To take or possess ~~any species of a~~ fish or ~~amphibian,~~ or  
32 ~~part thereof,~~ in ~~any amphibian~~ *in a* fish refuge, or to use or have  
33 in possession in that refuge ~~any a~~ contrivance designed to be used  
34 for catching fish.

35 (d) To take or possess ~~any bird in,~~ or ~~to a bird,~~ discharge ~~any a~~  
36 firearm or BB device, or ~~to~~ release ~~any an~~ arrow or crossbow ~~bolt~~  
37 *bolt,* within or ~~into,~~ ~~any into a~~ waterfowl refuge.

38 (e) To take or possess ~~any a~~ quail in a quail refuge.

39 (f) To take or possess ~~any an~~ invertebrate or specimen of marine  
40 plant life in a marine life refuge.

1 (g) To take or possess ~~any a clam in a clam refuge or to possess~~  
 2 ~~in such a refuge any or an~~ instrument or apparatus capable of being  
 3 used to dig ~~clams~~. *clams in a clam refuge.*

4 SEC. 96. Section 10502 of the Fish and Game Code is amended  
 5 to read:

6 10502. The commission may:

7 (a) Exercise control over all mammals and birds in ~~any a~~ game  
 8 refuge, and exercise control over all fish in ~~any a~~ fish refuge.

9 (b) Authorize the department to issue, under ~~such any~~ restrictions  
 10 ~~as it may deem it deems~~ best, permits ~~which that~~ authorize the  
 11 person named therein to carry, use, and ~~possess~~ *possess*, within  
 12 ~~any a~~ refuge, firearms, traps, or other contrivances for taking birds,  
 13 mammals, fish, ~~or amphibia~~. *amphibians, or reptiles.*

14 (c) Except as provided in Sections 10502.5, 10502.8, 10655,  
 15 and 10657, authorize the department to issue permits ~~which shall~~  
 16 *that* authorize the person named therein to take birds, mammals,  
 17 fish, ~~and amphibia~~ *amphibians, or reptiles* within ~~any a~~ refuge.

18 (d) ~~Make additional~~ *Adopt* regulations not in conflict with any  
 19 law for the protection of birds, mammals, fish, ~~amphibia,~~ ~~and~~  
 20 *amphibians, reptiles, or* marine life within ~~any a~~ refuge.

21 SEC. 97. Section 10503 of the Fish and Game Code is amended  
 22 to read:

23 10503. For the purposes of propagating, feeding, and protecting  
 24 birds, mammals, fish, ~~and amphibia~~ *amphibians, and reptiles*, the  
 25 commission may do all of the following:

26 (a) Accept, on behalf of the state, donations of ~~any an~~ interest  
 27 in ~~lands~~ *land* within ~~any a~~ refuge.

28 (b) Accept, on behalf of the state, from ~~any a~~ person owning  
 29 and in possession of patented ~~lands,~~ ~~except lands that are~~ *land,*  
 30 *other than land* covered and uncovered by the ordinary daily tide  
 31 of the Pacific Ocean, the right to preserve and protect all birds,  
 32 mammals, fish, ~~and amphibia~~ *amphibians, and reptiles* on the  
 33 patented ~~lands~~. *land.*

34 (c) Accept, on behalf of the state, donations of birds, mammals,  
 35 fish, ~~and amphibia,~~ *amphibians, and reptiles,* and of money given  
 36 or appropriated. Those donations shall be used for the purposes  
 37 for which they are accepted, and, as nearly as may be, for any  
 38 purpose indicated by the donor.

39 (d) Acquire, by purchase, lease, rental, or otherwise, and occupy,  
 40 develop, maintain, use, and administer land, or land and nonmarine

1 water, or land and nonmarine water rights, suitable for state game  
2 farms or game refuges.

3 SEC. 98. Section 10507 of the Fish and Game Code is amended  
4 to read:

5 10507. It is lawful for ~~any~~ a person who has given the notice  
6 provided for in Section 10506 to transport ~~any~~ a bird or ~~mammal,~~  
7 ~~or part thereof,~~ *mammal* through a game refuge, if lawfully taken  
8 outside the refuge, and if the bird or mammal ~~or part thereof~~ is  
9 carried openly and during the time between one hour before sunrise  
10 and one hour after sunset.

11 SEC. 99. Section 10510 of the Fish and Game Code is amended  
12 to read:

13 10510. No specification of an open season in any area  
14 authorizes the taking of ~~any~~ a bird, mammal, ~~fish or amphibia~~ *fish,*  
15 *amphibian, or reptile* from ~~any~~ a refuge within that area from  
16 which the taking is ~~elsewhere in this code prohibited.~~ *prohibited*  
17 *by this code.*

18 SEC. 100. Section 10513 of the Fish and Game Code is  
19 amended to read:

20 10513. Nothing in this chapter shall be construed as prohibiting  
21 or preventing ~~any~~ a person from taking ~~birds, mammals,~~ *a bird,*  
22 *mammal,* fish, ~~or amphibia~~ *amphibian, or reptile* from or on  
23 navigable water in ~~any~~ a state game refuge.

24 SEC. 101. Section 10514 of the Fish and Game Code is  
25 amended to read:

26 10514. All state game refuges shall, for all purposes of  
27 protecting birds, mammals, fish, ~~or amphibia~~ *amphibians, or*  
28 *reptiles* thereon, be under the control and management of the  
29 department, and the officers and employees of the department, all  
30 game wardens, and law enforcement officers may at all times enter  
31 in and upon ~~such~~ *state game* refuges in the performance of their  
32 duties.

33 SEC. 102. Section 10653 of the Fish and Game Code is  
34 amended to read:

35 10653. In the San Francisco Game Refuge, birds, mammals,  
36 fish, ~~and amphibia~~ *amphibians, and reptiles* legally possessed may  
37 be carried openly by persons traveling through the refuge on public  
38 roads, between one-half hour before sunrise and one-half hour  
39 after sunset.

1 SEC. 103. Section 11020 of the Fish and Game Code is  
2 amended to read:

3 11020. The following constitutes Fish and Game District 12:

4 The waters and tidelands of San Francisco Bay to high-water  
5 mark not included in Districts 11 and 13, the waters and tidelands  
6 to high-water mark of San Leandro Bay, Oakland Creek or estuary,  
7 San Antonio Creek in Alameda County, ~~Raccoon Straits, and~~  
8 ~~Raccoon Strait~~, San Pablo Bay, ~~and the Carquinez Straits Strait~~  
9 to the Carquinez Bridge, and all lands and waters included within  
10 the exterior boundaries of these districts and excluding all tributary  
11 sloughs, creeks, bays, rivers, and overflowed areas not specifically  
12 described herein.

13 SEC. 104. Section 11032 of the Fish and Game Code is  
14 amended to read:

15 11032. The following constitutes Fish and Game District 21:

16 The waters and tidelands to high water mark of San Diego Bay  
17 lying inside of a straight line drawn from the ~~southernly~~ *southerly*  
18 extremity of Point Loma to the offshore end of the San Diego  
19 breakwater.

20 SEC. 105. Section 12002.9 of the Fish and Game Code is  
21 amended to read:

22 12002.9. In addition to any other penalty prescribed in this  
23 code, the license issued pursuant to Sections 8032 to 8036,  
24 inclusive, to ~~any~~ *a* person who is convicted of a violation of Section  
25 7121, 7364, 7370, 8372, or 8373 shall be suspended for not less  
26 than seven days nor more than 30 days. Each day ~~any~~ *a* fish of the  
27 species designated in any of those ~~sections, or any part thereof,~~  
28 ~~sections~~ is unlawfully possessed and each unlawful transaction  
29 involving the purchase or sale of ~~any~~ *a* fish of those ~~species, or~~  
30 ~~any part thereof,~~ *species* by a wholesale fish dealer is a separate  
31 violation.

32 SEC. 106. Section 12012 of the Fish and Game Code is  
33 amended to read:

34 12012. (a) ~~Any~~ *A* person who illegally takes, possesses,  
35 imports, exports, sells, purchases, barter, trades, or exchanges  
36 ~~any amphibian,~~ *a* bird, fish, mammal, ~~or reptile,~~ *amphibian,* or  
37 ~~part thereof,~~ *of any of those animals,* for profit or personal ~~gain~~  
38 *gain,* is guilty of a misdemeanor punishable by a fine of not less  
39 than five thousand dollars ~~(\$5,000),~~ *(\$5,000)* nor more than forty

1 thousand dollars (\$40,000), or imprisonment in the county jail for  
2 not more than one year, or by both that fine and imprisonment.

3 (b) If a person is convicted of a second or subsequent violation  
4 of subdivision (a), that person shall be punished by a fine of not  
5 less than ten thousand dollars ~~(\$10,000)~~, (\$10,000) nor more than  
6 fifty thousand dollars (\$50,000), or imprisonment in the county  
7 jail for not more than one year, or by both that fine and  
8 imprisonment.

9 (c) If a second or subsequent violation of subdivision (a) also  
10 involves a violation of Section 8685.5, 8685.6, 8685.7, or 8688  
11 that is punishable by subdivision (b) of Section 12004, the offense  
12 shall be punishable by a fine of not more than fifty thousand dollars  
13 (\$50,000), or by imprisonment pursuant to subdivision (b) of  
14 Section 12004, or by both that fine and imprisonment.

15 (d) Notwithstanding Section 802 of the Penal Code, prosecution  
16 of an offense punishable under this section shall be commenced  
17 within three years after commission of the offense.

18 (e) This section does not apply to fish taken pursuant to a  
19 commercial fishing license issued pursuant to Section 7852, or  
20 fish sold pursuant to a commercial fish business license issued in  
21 accordance with Article 7 (commencing with Section 8030) of  
22 Chapter 1 of Part 3 of Division 6.

23 (f) This section does not supersede Section 12005 or 12009.

24 (g) (1) Moneys equivalent to 50 percent of the revenue  
25 deposited in the Fish and Game Preservation Fund from fines and  
26 forfeitures collected pursuant to this section shall be allocated for  
27 the support of the Special Operations Unit of the department, and  
28 used for law enforcement purposes.

29 (2) Moneys equivalent to 50 percent of the revenue from any  
30 fine collected pursuant to this section shall be paid to the county  
31 in which the offense was committed, pursuant to Section 13003.  
32 The board of supervisors shall first use revenues pursuant to this  
33 subdivision to reimburse the costs incurred by the district attorney  
34 or city attorney in investigating and prosecuting the violation. Any  
35 excess revenues may be expended in accordance with Section  
36 13103.

37 SEC. 107. Section 12013.3 of the Fish and Game Code is  
38 amended to read:

39 12013.3. (a) Notwithstanding Section 12002, 12003.2, 12008,  
40 or 12008.5, the punishment for ~~any~~ a person who knowingly

1 violated and has been convicted of the following provisions where  
2 the violation involved a trophy deer, elk, antelope, or bighorn sheep  
3 shall be a fine of not less than five thousand dollars ~~(\$5,000);~~  
4 ~~(\$5,000)~~ nor more than forty thousand dollars (\$40,000), and where  
5 the violation involved a wild turkey, a fine of not less than two  
6 thousand dollars ~~(\$2,000);~~ ~~(\$2,000)~~ nor more than five thousand  
7 dollars (\$5,000), or imprisonment in the county jail for not more  
8 than one year, or both that fine and imprisonment:

9 (1) Section 2001, if the person took an animal outside the  
10 established season.

11 (2) Section 2005.

12 (3) Section 257.5 of Title 14 of the California Code of  
13 Regulations.

14 (4) Section 4304.

15 (5) Section 4330.

16 (6) Section 1054.2, if the person failed to procure the required  
17 license or tag prior to taking a deer, elk, antelope, or bighorn sheep.

18 (b) The commission shall adopt regulations to implement this  
19 section, including establishing a trophy designation and monetary  
20 value based on the size or related characteristics of deer, elk,  
21 antelope, bighorn sheep, and wild ~~turkeys or parts thereof.~~ *turkeys*.

22 (c) All revenue from fines imposed pursuant to this section for  
23 deer, elk, antelope, and bighorn sheep violations shall be deposited  
24 in the Big Game Management Account established in Section 3953  
25 and shall be used for the big game management purposes described  
26 in that section.

27 (d) All revenue from fines imposed pursuant to this section for  
28 wild turkey violations shall be deposited in the Upland Game Bird  
29 Account established in Section 3684 and shall be used for the  
30 upland game bird conservation purposes described in that section.

31 (e) Moneys equivalent to 50 percent of the revenue from any  
32 fine collected pursuant to this section shall be paid to the county  
33 in which the offense was committed, pursuant to Section 13003.  
34 The county board of supervisors shall first use revenues pursuant  
35 to this subdivision to reimburse the costs incurred by the district  
36 attorney or city attorney in investigating and prosecuting the  
37 violation. Any excess revenues may be expended in accordance  
38 with Section 13103.

39 SEC. 108. Section 12151.5 of the Fish and Game Code is  
40 amended to read:

1 12151.5. ~~Any~~A person who, while hunting, kills or wounds  
 2 or witnesses the killing or wounding of ~~any~~ a human being, or  
 3 domestic animal belonging to another, shall, within 48 hours after  
 4 the incident, forward a complete written report to the Department  
 5 of Fish and ~~Game, Wildlife~~, 1416 Ninth Street, Sacramento,  
 6 California 95814, ~~giving his~~ *providing the reporter's* full name  
 7 and address and all facts relating to the incident.

8 SEC. 109. Section 12155 of the Fish and Game Code is  
 9 amended to read:

10 12155. (a) Upon the third conviction of ~~any~~ a person of a  
 11 violation of any provision of this code or regulation adopted  
 12 pursuant ~~thereto~~ *to this code* relating to the taking or possession  
 13 of ~~birds or mammals, or parts thereof, a bird or mammal~~ in ~~any~~ a  
 14 five-year period, and upon ~~any~~ a conviction subsequent to the three  
 15 convictions during a five-year period, that person shall be  
 16 prohibited from taking ~~any birds or mammals~~ *a bird or mammal*  
 17 in the state for three years from the date of the last conviction. The  
 18 commission shall revoke ~~the~~ a hunting license of ~~the person who~~  
 19 *is a person* prohibited from taking ~~birds or mammals~~ *a bird or*  
 20 *mammal* in this state, ~~if he or she has one~~, for the period of  
 21 prohibition.

22 ~~It~~

23 (b) *It* shall be unlawful for ~~any~~ a person to obtain, or attempt  
 24 to obtain, a hunting license during a period of prohibition.

25 SEC. 110. Section 12162 of the Fish and Game Code is  
 26 amended to read:

27 12162. ~~Any seizure of any birds, mammals, fish, reptiles, or~~  
 28 ~~amphibia or parts thereof made~~ *A bird, mammal, fish, reptile, or*  
 29 *amphibian seized* under circumstances ~~wherein~~ *in which* it cannot  
 30 be determined who took, possessed, sold, imported, or transported  
 31 ~~them~~ *the bird, mammal, fish, reptile, or amphibian* contrary to law  
 32 may be sold or donated to a state, county, city, city and county, or  
 33 ~~any~~ charitable institution.

34 SEC. 111. Section 12163 of the Fish and Game Code is  
 35 amended to read:

36 12163. ~~Any~~A person who purchases birds, mammals, fish,  
 37 reptiles, or ~~amphibia, or parts thereof,~~ *amphibians* from the  
 38 department pursuant to the preceding sections shall, upon ~~delivery~~  
 39 ~~to him,~~ *delivery*, pay to the ~~department~~ *department*, for deposit in  
 40 the Fish and Game Preservation Fund, the prevailing market price

1 for legal birds, mammals, fish, reptiles, or ~~amphibia~~ *amphibians*  
2 in effect on the date of seizure.

3 SEC. 112. Section 12164 of the Fish and Game Code is  
4 amended to read:

5 12164. The court before whom ~~any~~ *a* person has been convicted  
6 of trespassing under Section 602 of the Penal Code shall, in  
7 addition to any other fine or forfeiture imposed, confiscate any  
8 bird or mammal ~~or parts thereof~~ taken while trespassing, and shall  
9 dispose of the bird or mammal ~~or parts thereof~~ to a charitable  
10 institution or cause it to be destroyed if unfit for human  
11 consumption.

12 SEC. 113. Section 12300 of the Fish and Game Code is  
13 amended to read:

14 12300. ~~Irrespective of (a)~~ *Notwithstanding* any other provision  
15 of law, the provisions of this code are not applicable to California  
16 Indians whose names are inscribed upon the tribal rolls, while on  
17 the reservation of ~~such~~ *that* tribe and under those circumstances  
18 in this ~~State~~ *state* where the code was not applicable to them  
19 immediately ~~prior to~~ *before* the effective date of Public Law 280,  
20 Chapter 505, First Session, 1953, 83d Congress of the United  
21 States.

22 ~~No such~~

23 *(b) No Indian described in subdivision (a)* shall be prosecuted  
24 for the violation of any provision of this code occurring in the  
25 places and under the circumstances ~~hereinabove referred to.~~  
26 *described in subdivision (a).* Nothing in this section, however,  
27 prohibits or restricts the prosecution of ~~any~~ *an* Indian for the  
28 violation of ~~any~~ *a* provision of this code prohibiting the sale of  
29 ~~any~~ *a* bird, mammal, fish, ~~or amphibia.~~ *amphibian, or reptile.*

30 SEC. 114. Section 13200 of the Fish and Game Code is  
31 amended to read:

32 13200. The department shall account for revenues and  
33 expenditures of the money in the Fish and Game Preservation  
34 ~~Account~~ *Fund* in a manner consistent with the laws and applicable  
35 policies governing state departments generally for each activity  
36 or program in which the department is engaged.

37 SEC. 115. Section 13220 of the Fish and Game Code is  
38 amended to read:

39 13220. Except as provided in Section 13230, the money in the  
40 Fish and Game Preservation Fund, commencing with the 2005–06

1 fiscal year, is available for expenditure, upon appropriation by the  
2 Legislature, for all of the following purposes:

3 (a) To the department for payment of refunds of sums  
4 determined by it to have been erroneously deposited in the fund,  
5 including, but not limited to, money received or collected in  
6 payment of fees, licenses, permits, taxes, fines, forfeitures, or  
7 services.

8 (b) To the department for expenditure in accordance with law  
9 for the payment of all necessary expenses incurred in carrying out  
10 this code and any other laws for the protection and preservation  
11 of birds, mammals, reptiles, *amphibians*, and fish.

12 (c) To the commission for expenditure in accordance with law  
13 for the payment of the compensation and expenses of the  
14 commissioners and employees of the commission.

15 SEC. 116. Section 14102 of the Fish and Game Code is  
16 amended to read:

17 14102. Each commissioner who is not also a state officer shall  
18 receive ~~ten one hundred dollars (\$10)~~ (\$100) for each day of actual  
19 service performed in carrying out his performing official duties  
20 pursuant to the ~~directions~~ *direction* of the commission, and each  
21 commissioner shall receive his actual and necessary travel expenses  
22 incurred in the performance of his performing official duties in on  
23 behalf of the commission.

24 SEC. 117. Section 16500 of the Fish and Game Code is  
25 amended to read:

26 16500. The Legislature finds:

27 (a) Jurisdiction over the protection and development of natural  
28 resources, especially the fish resource, is of great importance to  
29 both the State of California and California Indian tribes.

30 (b) To California Indian tribes, control over their minerals,  
31 lands, water, wildlife, and other resources within Indian country  
32 is crucial to their economic self-sufficiency and the preservation  
33 of their heritage. On the other hand, the State of California is  
34 concerned about protecting and developing its resources;  
35 protecting, restoring, and developing its commercial and  
36 recreational salmon fisheries; ensuring public access to its  
37 waterways; and protecting the environment within its borders.

38 (c) More than any other issue confronting the State of California  
39 and California Indian tribes, the regulation of natural resources,  
40 especially fish, transcends political boundaries.

1 (d) In many cases, the State of California and California Indian  
2 tribes have differed in their respective views of the nature and  
3 extent of state versus tribal jurisdiction in areas where Indians have  
4 historically fished. Despite these frequent and often bitter disputes,  
5 both the state and the tribes seek, as their mutual goal, the  
6 protection and preservation of the fish resource. This division is  
7 an attempt to provide a legal mechanism, other than protracted  
8 and expensive litigation over unresolved legal issues, for achieving  
9 that mutual goal on the Klamath River.

10 (e) ~~That the Department of Fish and Game~~ *The department* has  
11 exercised jurisdiction over the Klamath River from the mouth of  
12 the river through the Yurok Reservation and the Hoopa Valley  
13 Reservation, but ~~that the Bureau of Indian Affairs and the Indian~~  
14 tribes thereon have also asserted jurisdiction over that river. The  
15 river itself lies within a disputed area and proper management of  
16 the resource presents, therefore, unique and difficult problems in  
17 the exercise of fishing practices by all ~~users~~ *user* groups.

18 (f) Although commercial fishing may not be a traditional  
19 practice of the tribes existing along the Klamath River within the  
20 boundaries of the land of the Yurok Reservation and the Hoopa  
21 Valley Reservation, nevertheless, ~~the Department of Fish and~~  
22 ~~Game~~ *department* has historically supported the concept of tribal  
23 fishing, including a tribal commercial fishing industry where the  
24 industry is consistent with the need to preserve the species, sound  
25 management, and where ~~such~~ *that* usage would not adversely effect  
26 other user groups, including sportfishing and the ocean commercial  
27 fishery.

28 (g) ~~That a~~ *A* commercial fishery existed on the Klamath River  
29 in the late 19th century and early 20th century, in which the Indian  
30 tribes existing along the river participated, but ~~that the~~ commercial  
31 fishing was abolished in 1933 with the passage of the predecessor  
32 to Section 8434, and, further, that salmon resources have declined  
33 historically due to past water developmental policies and timber  
34 harvesting practices. With a reduced number of fish available,  
35 special laws are needed to protect those resources and allocate  
36 them fairly among the various user groups.

37 (h) This division is not only enacted to provide the legal  
38 mechanism described above, but is also intended to encourage  
39 cooperative agreements to allow protection of the resource among

1 all of the user groups. In so doing, the Legislature recognizes the  
2 unique status of the Klamath River and the fishing therein.

3 SEC. 118. Section 16520 of the Fish and Game Code is  
4 amended to read:

5 16520. “Klamath Fishery Management Council” means that  
6 council created pursuant to Section ~~46055~~ 460ss-2 of Title 16 of  
7 the United States Code—~~which~~ *that* is composed of one  
8 representative each from *the department*, the Pacific Fishery  
9 Management Council, National Marine Fisheries Service,  
10 Department of the Interior, Oregon Department of Fish and  
11 Wildlife, ~~California Department of Fish and Game~~, the Hoopa  
12 Valley Business Council, non-Hoopa Indians, the California  
13 commercial salmon fishing industry, the Oregon commercial  
14 salmon fishing industry, the Klamath River in-river sportfishing  
15 community, and the California offshore recreational fishing  
16 industry.

17 SEC. 119. No reimbursement is required by this act pursuant  
18 to Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section 17556 of  
23 the Government Code, or changes the definition of a crime within  
24 the meaning of Section 6 of Article XIII B of the California  
25 Constitution.