

Introduced by Senator BerryhillFebruary 18, 2016

An act to add Chapter 14 (commencing with Section 2950) to Division 3 of the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 1191, as introduced, Berryhill. Fish and wildlife: management plans.

The California Constitution provides for the delegation to the Fish and Game Commission powers relating to the protection and propagation of fish and game. Existing statutory law delegates to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles in accordance with prescribed laws. Under existing law, the Department of Fish and Wildlife exercises various functions with regard to the taking of fish and wildlife. Under existing law, a violation of the Fish and Game Code or of any rule, regulation, or order made or adopted under the code is a crime.

Existing law, enacted as part of the Marine Life Management Act of 1998, generally establishes a comprehensive plan for the management of marine life resources. Existing law requires the Department of Fish and Wildlife to develop, and submit to the Fish and Game Commission for its approval, a fishery management master plan, and provides for the preparation and approval of fishery management plans, which form the primary basis for managing California's sport and commercial marine fisheries. Existing law authorizes regulations that the commission adopts to implement a fishery management plan or plan amendment for that fishery to make inoperative, in regard to that fishery, any fishery management statute that applies to that fishery.

This bill would establish a substantially similar process for the management of wildlife resources on land and the inland waters of the state. The bill would require the department to develop and submit, on or before September 1, 2018, to the Fish and Game Commission for its approval, a wildlife resources master plan, and would provide for the preparation and approval of wildlife management plans, which would form the primary basis for managing these wildlife resources. The bill would authorize regulations that the commission adopts to implement a wildlife management plan or amendment to make inoperative, in regard to the resource, any wildlife management statute that applies to the resource. Because a violation of a regulation adopted by the commission would be a crime, this bill would impose a state-mandated local program.

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. Chapter 14 (commencing with Section 2950) is
2 added to Division 3 of the Fish and Game Code, to read:

3
4 CHAPTER 14. CONSERVATION AND MANAGEMENT OF WILDLIFE
5 ON LAND AND INLAND WATERS

6
7 Article 1. General Policies

8
9 2950. (a) The Legislature finds and declares that the wild lands
10 of California and its rich wildlife resources are of great
11 environmental, economic, aesthetic, recreational, educational,
12 scientific, nutritional, social, and historic importance to the people
13 of California.

14 (b) It is the policy of the state to ensure the conservation,
15 sustainable use, and, where feasible, restoration of California's
16 wildlife resources for the benefit of all the citizens of the state.
17 The objective of this policy is to accomplish all of the following:

- 1 (1) Conserve the health and diversity of ecosystems and wildlife
2 resources.
- 3 (2) Allow and encourage only those activities and uses of
4 wildlife resources that are sustainable.
- 5 (3) Recognize the importance of the aesthetic, educational,
6 scientific, and recreational uses that do not involve the taking of
7 California’s wildlife resources.
- 8 (4) Recognize the importance to the economy and the culture
9 of California sport hunting and fishing consistent with the wildlife
10 resource conservation policies of this chapter.
- 11 (5) Support and promote scientific research on ecosystems and
12 their components to develop better information on which to base
13 wildlife resource management decisions.
- 14 (6) Manage wildlife resources on the basis of the best available
15 scientific information and other relevant information that the
16 commission or department possesses or receives.
- 17 (7) Involve all interested parties, including, but not limited to,
18 individuals from the sport hunting and fishing communities,
19 landowners, tourism and recreation industries, wildlife conservation
20 organizations, local governments, wildlife scientists, and the public,
21 in wildlife resource management decisions.
- 22 (8) Promote the dissemination of accurate information
23 concerning the condition of, or management of, wildlife resources
24 by seeking out the best available information and making it
25 available to the public through the wildlife resources management
26 process.
- 27 (9) Coordinate and cooperate with adjacent states, as well as
28 with Mexico and Canada, and encourage regional approaches to
29 management of activities and uses that affect wildlife resources.
30 Particular attention shall be paid to coordinated approaches to the
31 management of shared wildlife resources.
- 32 (c) The Legislature hereby recognizes the heritage and cultural
33 significance of hunting and fishing in California. The commission
34 and department shall, to the extent possible, assist in perpetuating
35 and supporting that heritage through policies and regulations,
36 including, but not limited to, educating the public about the
37 substantial food, economic, wildlife conservation, wildlife
38 management, and other public benefits of hunting and fishing.
- 39 2951. (a) A regulation adopted pursuant to this chapter applies
40 only to the lands and inland waters of the state not governed

1 pursuant to Part 1.7 (commencing with Section 7050) of Division
2 6.

3 (b) The policies in this chapter apply only to wildlife
4 management plans and regulations adopted by the commission on
5 or after January 1, 2017. No power is delegated to the commission
6 or the department by this chapter to regulate wildlife resources
7 other than wildlife resources for which the commission or
8 department had regulatory authority prior to January 1, 2017.

9

10 Article 2. Wildlife Management Generally

11

12 2955. (a) The Legislature finds and declares that it is the policy
13 of the state that:

14 (1) California's hunting and fishing programs, and the resources
15 upon which they depend, are important to the people of the state
16 and, to the extent practicable, shall be managed in accordance with
17 the policies and other requirements of this chapter in order to
18 ensure the long-term economic, recreational, ecological, cultural,
19 and social benefits of those wildlife resources and the wildlife
20 habitats on which they depend.

21 (2) Programs for the conservation and management of the
22 wildlife resources of California shall be established and
23 administered to prevent overharvest, to rebuild depressed
24 populations, to ensure conservation, to facilitate long-term
25 protection and, where feasible, restoration of wildlife habitats, and
26 to achieve the sustainable use and enjoyment of the state's wildlife
27 resources.

28 (3) Where a species is the object of hunting or fishing, a
29 sufficient resource shall be maintained to support a reasonable
30 sport use, taking into consideration the necessity of regulating
31 individual programs at a level that is sufficient to provide a
32 satisfying sport.

33 (4) Hunters and anglers have historically provided the most
34 significant source of funding for game species conservation efforts,
35 hunting and fishing programs, and the management activities of
36 the department's state wildlife areas through hunting and fishing
37 licenses, stamps and validations, as well as sporting arms and
38 munitions excise taxes generated through the federal
39 Pittman-Robertson Wildlife Restoration Act (16 U.S.C. Sec. 669
40 et seq.). The department shall pursue funding sufficient to cover

1 the costs of non-hunting and fishing programs and nongame
2 programs.

3 (b) In order to achieve the primary wildlife management goal
4 of sustainability, every hunting and fishing resource under the
5 jurisdiction of the state shall be managed under a system whose
6 objectives include all of the following:

7 (1) The hunting or fishing program is conducted sustainably so
8 that long-term health of the resource is not sacrificed in favor of
9 short-term benefits.

10 (2) The health of wildlife habitat is maintained and, to the extent
11 feasible, habitat is restored and, where appropriate, is enhanced.

12 (3) Depressed wildlife resources are rebuilt to the highest
13 sustainable yields consistent with environmental and habitat
14 conditions.

15 (4) The wildlife management system allows hunting and fishing
16 participants to propose methods to prevent or reduce excess effort
17 relative to sustainable levels.

18 (5) Management of a species that is the target of both sport and
19 commercial activities shall be closely coordinated.

20 (6) Wildlife management decisions are adaptive and are based
21 on the best available scientific information and other relevant
22 information that the commission or department possesses or
23 receives, and the commission and department have available to
24 them essential resource information on which to base their
25 decisions.

26 (7) The management decisionmaking process is open and seeks
27 the advice and assistance of interested parties so as to consider
28 relevant information, including local knowledge.

29 (8) The wildlife management system supports the long-term
30 interests of people dependent on hunting and fishing for food,
31 livelihood, or recreation.

32 (9) Any adverse impacts of wildlife management on small-scale
33 wildlife resources, communities, and local economies are
34 minimized, to the extent practical.

35 (10) Collaborative and cooperative approaches to management,
36 involving participants, wildlife scientists, and other interested
37 parties are strongly encouraged, and appropriate mechanisms are
38 in place to resolve disputes such as access, allocation, and gear
39 conflicts.

1 (11) The management system is proactive and responds quickly
2 to changing environmental conditions or other socioeconomic
3 factors and to the concerns of resource participants.

4 (12) The management system is periodically reviewed for
5 effectiveness in achieving sustainability goals and for fairness and
6 reasonableness in its interaction with people affected by
7 management.

8 2956. Any wildlife management regulation adopted by the
9 commission shall, to the extent practicable, conform to the policies
10 of Section 2955.

11 2957. (a) The Legislature finds and declares all of the
12 following:

13 (1) Successful wildlife management is a collaborative process
14 that requires a high degree of ongoing communication and
15 participation of all those involved in the management process,
16 particularly the commission, the department, and those who
17 represent the people and resources that will be most affected by
18 wildlife management decisions, especially hunting and fishing
19 participants and other interested parties.

20 (2) In order to maximize the wildlife science expertise applied
21 to the complex issues of wildlife management, the commission
22 and the department are encouraged to continue to, and to find
23 creative new ways to, contract with or otherwise effectively involve
24 wildlife scientists, economists, collaborative factfinding process
25 and dispute resolution specialists, and others with the necessary
26 expertise at colleges, universities, private institutions, and other
27 agencies.

28 (3) The benefits of the collaborative process required by this
29 section apply to most wildlife management activities including,
30 but not limited to, the development and implementation of research
31 plans, wildlife managed area plans, wildlife management plans,
32 and plan amendments, and the preparation of status reports such
33 as those required by Section 2965.

34 (4) Because California is a large state and because travel is time
35 consuming and costly, the involvement of interested parties shall
36 be facilitated, to the extent practicable, by conducting meetings
37 and discussions in the areas where those most affected are
38 concentrated.

39 (b) In order to fulfill the intent of subdivision (a), the
40 commission and the department shall do all of the following:

1 (1) Periodically review wildlife management operations with a
2 view to improving communication, collaboration, and dispute
3 resolution, seeking advice from interested parties as part of the
4 review.

5 (2) Develop a process for the involvement of interested parties
6 and for factfinding and dispute resolution processes appropriate
7 to each element in the wildlife management process.

8 (3) Consider the appropriateness of various forms of wildlife
9 resources co-management, which involves close cooperation
10 between the department and participants, when developing and
11 implementing wildlife management plans.

12 (4) When involving participants in the management process,
13 give particular consideration to various gear type users, if any, in
14 order to ensure adequate involvement.

15 2958. If there is a conflict between humans and wildlife,
16 hunting, fishing, and other activities that facilitate public use and
17 enjoyment of wildlife resources and generate revenue or otherwise
18 support wildlife conservation purposes shall, where feasible, be
19 the preferred means of managing wildlife resources.

20 2960. (a) The Legislature finds and declares that for the
21 purposes of sustainable wildlife management and this chapter,
22 essential resource information is necessary for federally and
23 state-managed wildlife resources important to the people of this
24 state to provide sustainable economic and recreational benefits to
25 the people of California. The Legislature further finds and declares
26 that acquiring essential resource information can best be
27 accomplished through the ongoing cooperation and collaboration
28 of participants in wildlife resources.

29 (b) The department, to the extent feasible, shall conduct and
30 support research to obtain essential resource information for all
31 wildlife resources managed by the state.

32 (c) The department, to the maximum extent practicable and
33 consistent with Section 2957, shall encourage the participation of
34 hunters and anglers in wildlife resources research within a
35 framework that ensures the objective collection and analysis of
36 data, research design, and in carrying out research.

37 (d) The department may apply for grants to conduct research
38 and may enter into contracts or issue competitive grants to public
39 or private research institutions to conduct research.

1 2961. The commission's policies and regulations shall
2 recognize and support the principles of the North American
3 Wildlife Conservation Model, which include the following
4 principles:

5 (a) Wildlife as a public trust resource. Wildlife is held in the
6 public trust through state and federal governments. Though an
7 individual may own the land upon which wildlife resides, that
8 individual does not own the wildlife. Instead, the wildlife is owned
9 by all citizens.

10 (b) The elimination of markets for game. Commercial hunting
11 and the sale of wildlife is generally prohibited to ensure the
12 sustainability of wildlife populations. This principle holds that
13 unregulated economic markets for game and nongame wildlife are
14 unacceptable because they privatize a common resource and
15 generally lead to declines.

16 (c) The allocation of wildlife by law. Wildlife is allocated to
17 the public by law, as opposed to market principles, land ownership,
18 or other status. Democratic processes and public input into
19 lawmaking help ensure access is equitable.

20 (d) Wildlife should only be taken for a legitimate purpose. The
21 killing of game should be done primarily for food, fur, self-defense,
22 and the protection of property, including livestock and crops. A
23 reasonable effort must be made to retrieve and make use of the
24 resource.

25 (e) Wildlife recognized as an international resource. As wildlife
26 do not exist only within fixed political boundaries, effective
27 management of these resources must be done internationally,
28 through treaties and the cooperation of management agencies.

29 (f) Science is the proper tool for discharge of wildlife policy.
30 Science and the input of wildlife professionals are the basis for
31 informed management and decisionmaking processes. Science in
32 wildlife policy includes studies of population dynamics, behavior,
33 habitat, adaptive management, and national surveys of hunting
34 and fishing.

35 (g) Democracy of hunting and fishing. Every citizen in good
36 standing has an opportunity, under the law, to hunt and fish.

37 2962. (a) The department shall establish a program for external
38 peer review of the scientific basis of wildlife resources management
39 documents. The department, in its discretion and unless otherwise
40 required by this chapter, may submit to peer review documents

1 that include, but are not limited to, wildlife management plans and
2 plan amendments and wildlife resource research plans.

3 (b) The department may enter into an agreement with one or
4 more outside entities that are significantly involved with
5 researching and understanding wildlife resources and are not
6 advocacy organizations. These entities may include, but not be
7 limited to, the University of California, the California State
8 University, the Pacific Flyway Council, or any other entity
9 approved by the commission to select and administer peer review
10 panels, as needed. The peer review panels shall be composed of
11 individuals with technical expertise specific to the document to be
12 reviewed. The entity with which the department enters into an
13 agreement for a peer review shall be responsible for the scientific
14 integrity of the peer review process. Each peer reviewer may be
15 compensated as needed to ensure competent peer review. Peer
16 reviewers shall not be employees or officers of the department or
17 the commission and shall not have participated in the development
18 of the document to be reviewed.

19 (c) The external peer review entity, within the timeframe and
20 budget agreed upon by the department and the external scientific
21 peer review entity, shall provide the department with the written
22 report of the peer review panel that contains an evaluation of the
23 scientific basis of the document. If the report finds that the
24 department has failed to demonstrate that a scientific portion of
25 the document is based on sound scientific knowledge, methods,
26 and practices, the report shall state that finding and the reasons for
27 the finding. The department may accept the finding, in whole or
28 in part, and may revise the scientific portions of the document
29 accordingly. If the department disagrees with any aspect of the
30 finding of the external scientific peer review, it shall explain, and
31 include as part of the record, its basis for arriving at that
32 determination in the analysis prepared for the adoption of the final
33 document, including the reasons why it has determined that the
34 scientific portions of the document are based on sound scientific
35 knowledge, methods, or practice. The department shall submit the
36 external scientific peer review report to the commission with any
37 peer reviewed document that is to be adopted or approved by the
38 commission.

1 (d) The requirements of this section do not apply to any
2 emergency regulation adopted pursuant to subdivision (b) of
3 Section 11346.1 of the Government Code.

4 (e) Nothing in this section shall be interpreted, in any way, to
5 limit the authority of the commission or department to adopt a plan
6 or regulation.

7
8
9

Article 3. Commission and Department

10 2965. (a) The director shall report annually in writing to the
11 commission on the status of wildlife resources managed by the
12 state. The date of the report shall be chosen by the commission
13 with the advice of the department. Each annual report shall cover
14 wildlife resources managed by the state on a schedule agreed upon
15 by the commission and department so that all managed wildlife
16 resources will be reported on at least once every decade. The
17 department shall involve expertise from outside the department in
18 compiling information for the report, which may include, but need
19 not be limited to, other wildlife scientists, resource participants,
20 and other interested parties.

21 (b) For each wildlife resource reported on in an annual report,
22 the report shall include information on take, effort, and areas where
23 the effort occurs and other factors relevant to the resource.

24 (c) Notwithstanding subdivision (a), the first annual report shall
25 be presented to the commission on or before January 1, 2020, and
26 shall cover the ten most popular wildlife resources managed by
27 the state. To the extent that the requirements of this section and
28 Section 2973 are duplicative, the first annual report may be
29 combined with the plan required pursuant to Section 2973.

30 2966. (a) The Legislature finds and declares that a number of
31 human-caused and natural factors can affect the health of wildlife
32 resources and result in wildlife resources that do not meet the
33 policies and other requirements of this chapter.

34 (b) To the extent feasible, the director’s report to the commission
35 pursuant to Section 2965 shall identify any wildlife resource that
36 does not meet the sustainability policies of this chapter. In the case
37 of a resource identified as being depressed, the report shall indicate
38 the causes of the depressed condition, describe steps being taken
39 to rebuild the resource, and, to the extent practicable, recommend
40 additional steps to rebuild.

1 (c) The director’s report to the commission pursuant to Section
2 2965, consistent with paragraph (12) of subdivision (b) of Section
3 2955, shall evaluate the management system and may recommend
4 modifications of that system to the commission.

5
6 Article 4. Wildlife Management Plans—General Policies
7

8 2970. The Legislature finds and declares that the critical need
9 to conserve, utilize, and manage the state’s wildlife resources and
10 to meet the policies and other requirements stated in this chapter
11 require that the state’s wildlife resources be managed by means
12 of wildlife management plans.

13 2971. In the case of any resource for which the commission
14 has management authority, regulations that the commission adopts
15 to implement a wildlife management plan or plan amendment for
16 that resource may make inoperative, in regard to that resource, any
17 wildlife management statute that applies to that resource, including,
18 but not limited to, statutes that govern allowable take, permit
19 programs, fees, and time, area, and methods of taking.

20 2972. (a) Wildlife management plans shall form the primary
21 basis for managing California’s wildlife resources.

22 (b) Wildlife management plans shall be based on the best
23 scientific information that is available, on other relevant
24 information that the department possesses, or on the scientific
25 information or other relevant information that can be obtained
26 without substantially delaying the preparation of the plan.

27 (c) To the extent that conservation and management measures
28 in a wildlife management plan either increase or restrict the overall
29 harvest, wildlife management plans shall allocate those increases
30 or restrictions fairly among user groups and ensure a reasonable
31 level of hunting and fishing opportunity on public lands and waters.

32 2973. (a) On or before September 1, 2018, the department
33 shall submit to the commission for its approval a master plan that
34 specifies the process and the resources needed to prepare, adopt,
35 and implement wildlife management plans for wildlife resources
36 managed by the state. Consistent with Section 2957, the master
37 plan shall be prepared with the advice, assistance, and involvement
38 of participants in the various wildlife resources and their
39 representatives, wildlife conservationists, wildlife scientists, and
40 other interested persons.

1 (b) The master plan shall include all of the following:

2 (1) A list identifying the wildlife resources managed by the
3 state, with individual wildlife resources assigned to wildlife
4 management plans as determined by the department according to
5 conservation and management needs and consistent with paragraph
6 (5) of subdivision (b) of Section 2955.

7 (2) A priority list for preparation of wildlife management plans.
8 Highest priority shall be given to wildlife resources that the
9 department determines have the greatest need for changes in
10 conservation and management measures in order to comply with
11 the policies and requirements set forth in this chapter. Wildlife
12 resources for which the department determines that current
13 management complies with the policies and requirements of this
14 chapter shall be given the lowest priority.

15 (3) A description of the research, monitoring, and data collection
16 activities that the department conducts for wildlife resources and
17 of any additional activities that might be needed for the department
18 to acquire essential wildlife information, with emphasis on the
19 higher priority wildlife resources identified pursuant to paragraph
20 (2).

21 (4) A process consistent with Section 2957 that ensures the
22 opportunity for meaningful involvement in the development of
23 wildlife management plans and research plans by participants and
24 their representatives, wildlife scientists, and other interested parties.

25 (5) A process for periodic review and amendment of the master
26 plan.

27 (c) The commission shall adopt or reject the master plan or
28 master plan amendment, in whole or in part, after a public hearing.
29 If the commission rejects a part of the master plan or master plan
30 amendment, the commission shall return that part to the department
31 for revision and resubmission pursuant to the revision and
32 resubmission procedures for wildlife management plans as
33 described in subdivision (a) of Section 2975.

34 2974. (a) The department shall prepare interim research
35 protocols for at least the three highest priority wildlife resources
36 identified pursuant to paragraph (2) of subdivision (b) of Section
37 2973. An interim protocol shall be used by the department until a
38 wildlife management plan is implemented for that resource.

39 (b) Consistent with Section 2957, each protocol shall be prepared
40 with the advice, assistance, and involvement of participants in the

1 various wildlife resources and their representatives, wildlife
2 conservationists, wildlife scientists, and other interested persons.

3 (c) Interim protocols shall be submitted to peer review as
4 described in Section 2962 unless the department, pursuant to
5 subdivision (d), determines that peer review of the interim protocol
6 is not justified. For the purpose of peer review, interim protocols
7 may be combined in the following circumstances:

8 (1) For related wildlife resources.

9 (2) For two or more interim protocols that the commission
10 determines will require the same peer review expertise.

11 (d) The commission, with the advice of the department, shall
12 adopt criteria to be applied in determining whether an interim
13 protocol may be exempted from peer review.

14

15 Article 5. Wildlife Management Plan Preparation, Approval,
16 and Regulations

17

18 2975. (a) The department shall prepare wildlife management
19 plans and plan amendments, including any proposed regulations
20 necessary to implement plans or plan amendments, to be submitted
21 to the commission for adoption or rejection. Prior to submitting a
22 plan or plan amendment, including any proposed regulations
23 necessary for implementation, to the commission, the department
24 shall submit the plan to peer review pursuant to Section 2962,
25 unless the department determines that peer review of the plan or
26 plan amendment may be exempted pursuant to subdivision (c). If
27 the department makes that determination, it shall submit its reasons
28 for that determination to the commission with the plan. If the
29 commission rejects a plan or plan amendment, including proposed
30 regulations necessary for implementation, the commission shall
31 return the plan or plan amendment to the department for revision
32 and resubmission together with a written statement of reasons for
33 the rejection. The department shall revise and resubmit the plan
34 or plan amendment to the commission within 90 days of the
35 rejection. The revised plan or plan amendment is subject to the
36 review and adoption requirements of this article.

37 (b) The department may contract with qualified individuals or
38 organizations to assist in the preparation of wildlife management
39 plans or plan amendments.

1 (c) The commission, with the advice of the department and
2 consistent with Section 2957, shall adopt criteria to be applied in
3 determining whether a plan or plan amendment may be exempted
4 from peer review.

5 (d) Participants and their representatives, scientists, or other
6 interested parties may propose plan provisions or plan amendments
7 to the department or commission. The commission shall review
8 any proposal submitted to the commission and may recommend
9 to the department that the department develop a wildlife
10 management plan or plan amendment to incorporate the proposal.

11 2976. (a) To the extent practicable, and consistent with Section
12 2957, the department shall seek advice and assistance in developing
13 a wildlife management plan from hunting and fishing interests,
14 landowners, other participants in the affected resource, scientists,
15 and other interested parties. The department shall also seek the
16 advice and assistance of other persons or entities that it deems
17 appropriate, which may include, but is not limited to, the United
18 States Fish and Wildlife Service and any advisory committee of
19 the department.

20 (b) In the case of a wildlife management plan or a plan
21 amendment that is submitted to peer review, the department shall
22 provide the peer review panel with any written comments on the
23 plan or plan amendment that the department has received from
24 participants and other interested parties.

25 2977. A wildlife management plan or plan amendment, or
26 proposed regulations necessary for implementation of a plan or
27 plan amendment, developed by the department shall be available
28 to the public for review at least 30 days prior to a hearing on the
29 management plan or plan amendment by the commission. Persons
30 requesting to be notified of the availability of the plan shall be
31 notified in sufficient time to allow them to review and submit
32 comments at or prior to a hearing. Proposed plans and plan
33 amendments and hearing schedules and agendas shall be posted
34 on the commission and department's Internet Web site.

35 2978. (a) The commission shall hold at least two public
36 hearings on a wildlife management plan or plan amendment prior
37 to the commission's adoption or rejection of the plan.

38 (b) The plan or plan amendment shall be heard not later than
39 60 days following receipt of the plan or plan amendment by the
40 commission. The commission may adopt the plan or plan

1 amendment at the second public hearing, at the commission's
2 meeting following the second public hearing, or at any duly noticed
3 subsequent meeting, subject to subdivision (c).

4 (c) When scheduling the location of a hearing or meeting relating
5 to a wildlife management plan or plan amendment, the commission
6 shall consider factors, including, among other factors, the area of
7 the state, if any, where participants are concentrated.

8 (d) Prior to the adoption of a wildlife management plan or plan
9 amendment that would make inoperative a statute, the commission
10 shall provide a copy of the plan or plan amendment to the
11 Legislature for review by the appropriate policy committee in each
12 house of the Legislature.

13 (e) The commission shall adopt any regulations necessary to
14 implement a wildlife plan or plan amendment no more than 60
15 days following adoption of the plan or plan amendment. All
16 implementing regulations adopted under this subdivision shall be
17 adopted as a regulation pursuant to the rulemaking provisions of
18 the Administrative Procedure Act (Chapter 3.5 (commencing with
19 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
20 Code). The commission's adoption of regulations to implement a
21 wildlife management plan or plan amendment shall not trigger an
22 additional review process under the California Environmental
23 Quality Act (Division 13 (commencing with Section 21000) of
24 the Public Resources Code).

25 (f) Regulations adopted by the commission to implement a plan
26 or plan amendment shall specify any statute or regulation of the
27 commission that is to become inoperative as to the particular
28 resources. The list shall designate each statute or regulation by
29 individual section number, rather than by reference to articles or
30 chapters.

31

32 Article 6. Contents of Wildlife Management Plans

33

34 2980. Consistent with subdivision (b) of Section 2972, each
35 wildlife management plan prepared by the department shall
36 summarize readily available information about the resource,
37 including, but not limited to, all of the following:

38 (a) The species of wildlife and their location, number of
39 participants involved, effort, and a history of conservation and
40 management measures affecting the resource.

1 (b) The natural history and population dynamics of the target
2 species and the effects of changing environmental conditions on
3 the target species.

4 (c) The habitat for the resource and known threats to the habitat.

5 (d) The ecosystem role of the target species and the relationship
6 of the resource to the ecosystem role of the target species.

7 (e) Economic, social, and cultural factors related to the public
8 use of the resource.

9 2981. Consistent with subdivision (b) of Section 2972, each
10 wildlife management plan or plan amendment prepared by the
11 department shall include a research protocol that does all of the
12 following:

13 (a) Describes past and ongoing monitoring of the resource.

14 (b) Identifies essential information for the resource, including,
15 but not limited to, the resources and time necessary to acquire the
16 information.

17 (c) Indicates the steps the department shall take to monitor the
18 resource and to obtain essential information, including the data
19 collection and research methodologies, on an ongoing basis.

20 2982. Each wildlife management plan or plan amendment
21 prepared by the department shall contain the measures necessary
22 and appropriate for the conservation and management of the
23 resource according to the policies and other requirements in this
24 chapter.

25 2983. (a) Each wildlife management plan prepared by the
26 department shall incorporate the existing conservation and
27 management measures provided in this code that are determined
28 by the department to result in a sustainable resource.

29 (b) If additional conservation and management measures are
30 included in the plan, the department shall, consistent with
31 subdivision (b) of Section 2972, summarize anticipated effects of
32 those measures on relevant resource populations and habitats, on
33 participants, and on communities and businesses that rely on the
34 resource.

35 2984. Consistent with subdivision (b) of Section 2972, each
36 wildlife management plan or plan amendment prepared by the
37 department for a resource that the department has determined has
38 adverse effects on wildlife habitat shall include measures that, to
39 the extent practicable, minimize those effects.

1 2985. (a) Consistent with subdivision (b) of Section 2972,
2 each wildlife management plan or plan amendment prepared by
3 the department shall specify criteria for identifying when the
4 resource is overutilized.

5 (b) In the case of a resource that has been determined to be
6 overutilized or in which overuse is occurring, the wildlife
7 management plan shall contain measures to prevent, end, or
8 otherwise appropriately address overuse and to rebuild the resource.

9 (c) Any wildlife management plan, plan amendment, or
10 regulation prepared pursuant to subdivision (b), shall do both of
11 the following:

12 (1) Specify a time period for preventing or ending or otherwise
13 appropriately addressing overuse and rebuilding the resource that
14 shall be as short as possible, and shall not exceed 10 years except
15 in cases where the biology of the population or other environmental
16 conditions dictate otherwise.

17 (2) Allocate both overuse restrictions and recovery benefits
18 fairly and equitably among sectors of the resource.

19 2986. (a) Each wildlife management plan prepared by the
20 department shall include a procedure for review and amendment
21 of the plan, as necessary.

22 (b) Each wildlife management plan or plan amendment prepared
23 by the department shall specify the types of regulations that may
24 be adopted without a plan amendment.

25 2987. Each wildlife management plan and plan amendment
26 shall include a list of any statutes and regulations that shall become
27 inoperative, as to the particular resource covered by the wildlife
28 management plan or plan amendment, upon the commission's
29 adoption of implementing regulations for that wildlife management
30 plan or plan amendment.

31
32 Article 7. Commission Responsibility to Provide Hunting and
33 Fishing Opportunities
34

35 2989. (a) To the extent practicable, the policies and regulations
36 adopted by the commission shall support access and opportunity
37 for the public to engage in the broadest array of hunting and fishing
38 activities, consistent with the best available science and sustainable
39 use of wildlife resources.

1 (b) Unless otherwise authorized by this code, when authorizing
2 an open season on a game fish, game bird, or game mammal
3 species, the commission shall ensure either of the following:

4 (1) At least some public lands or waters are open for the take
5 of that species during the authorized season.

6 (2) A reasonable level of public access for hunting or fishing,
7 as applicable, is provided via the SHARE Program established
8 pursuant to Article 3 (commencing with Section 1570) of Chapter
9 5 of Division 2, a cooperative hunting area established pursuant
10 to Section 1575, or any other means deemed appropriate by the
11 department.

12

13 Article 8. Funding

14

15 2990. The department and commission shall prioritize funding
16 and staffing to meet the mandates and goals of this chapter.

17 SEC. 2. No reimbursement is required by this act pursuant to
18 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.