

AMENDED IN SENATE APRIL 5, 2016

SENATE BILL

No. 1191

Introduced by Senator Berryhill

(Coauthors: Senators Cannella, Fuller, Galgiani, and Moorlach)

(Coauthors: Assembly Members Bigelow, Frazier, and Gray)

February 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 amended, 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~~, *amphibians*, 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~~ *but* would provide for the preparation and approval of wildlife management ~~plans,~~ *plans by the department,* which would form the primary basis for managing these wildlife resources. The bill would authorize regulations that the ~~commission~~ *department* 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~~ *department* 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.

1 (b) It is the policy of the state to ensure the conservation,
2 sustainable use, and, where feasible, restoration of California's
3 wildlife resources for the benefit of all the citizens of the state.

4 The objective of this policy is to accomplish all of the following:

5 (1) Conserve the health and diversity of ecosystems and wildlife
6 resources.

7 (2) Allow and encourage only those activities and uses of
8 wildlife resources that are sustainable.

9 (3) Recognize the importance of the aesthetic, educational,
10 scientific, and recreational uses that do not involve the taking of
11 California's wildlife resources.

12 (4) Recognize the importance to the economy and the culture
13 of California sport hunting and fishing consistent with the wildlife
14 resource conservation policies of this chapter.

15 (5) Support and promote scientific research on ecosystems and
16 their components to develop better information on which to base
17 wildlife resource management decisions.

18 (6) Manage wildlife resources on the basis of the best available
19 scientific information and other relevant information that the
20 commission or department possesses or receives.

21 (7) Involve all interested parties, including, but not limited to,
22 individuals from the sport hunting and fishing communities,
23 landowners, tourism and recreation industries, wildlife conservation
24 organizations, local governments, wildlife scientists, and the public,
25 in wildlife resource management decisions.

26 (8) Promote the dissemination of accurate information
27 concerning the condition of, or management of, wildlife resources
28 by seeking out the best available information and making it
29 available to the public through the wildlife resources management
30 process.

31 (9) Coordinate and cooperate with adjacent states, as well as
32 with Mexico and Canada, and encourage regional approaches to
33 management of activities and uses that affect wildlife resources.
34 Particular attention shall be paid to coordinated approaches to the
35 management of shared wildlife resources.

36 (c) The Legislature hereby recognizes the heritage and cultural
37 significance of hunting and fishing in California. The commission
38 and department shall, to the extent possible, assist in perpetuating
39 and supporting that heritage through policies and regulations,
40 including, but not limited to, educating the public about the

1 substantial food, economic, wildlife conservation, wildlife
2 management, and other public benefits of hunting and ~~fishing.~~
3 *fishing, and recruiting, retaining, and reactivating hunters and*
4 *fishers.*

5 2951. (a) A regulation adopted pursuant to this chapter applies
6 only to the lands and inland waters of the state not governed
7 pursuant to Part 1.7 (commencing with Section 7050) of Division
8 6.

9 (b) The policies in this chapter apply only to wildlife
10 management plans and regulations adopted by the ~~commission~~
11 *department* on or after January 1, 2017. No power is delegated to
12 the commission or the department by this chapter to regulate
13 wildlife resources other than wildlife resources for which the
14 commission or department had regulatory authority prior to January
15 1, 2017.

16 (c) *For purposes of this chapter, “wildlife” has the same*
17 *meaning as that term is used in Section 89.5, except that the term*
18 *does not include any species governed pursuant to Part 1.7*
19 *(commencing with Section 7050) of Division 6.*

20
21 Article 2. Wildlife Management Generally
22

23 2955. (a) The Legislature finds and declares that it is the policy
24 of the state that:

25 (1) California’s hunting and fishing programs, and the resources
26 upon which they depend, are important to the people of the state
27 and, to the extent practicable, shall be managed in accordance with
28 the policies and other requirements of this chapter in order to
29 ensure the long-term economic, recreational, ecological, cultural,
30 and social benefits of those wildlife resources and the wildlife
31 habitats on which they depend.

32 (2) Programs for the conservation and management of the
33 wildlife resources of California shall be established and
34 administered to prevent overharvest, to rebuild depressed
35 populations, to ensure conservation, to facilitate long-term
36 protection and, where feasible, restoration of wildlife habitats, and
37 to achieve the sustainable use and enjoyment of the state’s wildlife
38 resources.

39 (3) Where a species is the object of hunting or fishing, a
40 sufficient resource shall be maintained to support a reasonable

1 sport use, taking into consideration the necessity of regulating
2 individual programs at a level that is sufficient to provide a
3 satisfying sport.

4 (4) Hunters and anglers have historically provided the most
5 significant source of funding for game species conservation efforts,
6 hunting and fishing programs, and the management activities of
7 the department's state wildlife areas through hunting and fishing
8 licenses, stamps and validations, as well as sporting arms and
9 munitions excise taxes generated through the federal
10 Pittman-Robertson Wildlife Restoration Act (16 U.S.C. Sec. 669
11 et seq.). The department shall pursue funding sufficient to cover
12 the costs of nonhunting and fishing programs and nongame
13 programs.

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

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

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

23 (3) Depressed wildlife resources are rebuilt to the highest
24 sustainable yields consistent with environmental and habitat
25 conditions.

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

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

31 (6) Wildlife management decisions are adaptive and are based
32 on the best available scientific information and other relevant
33 information that the commission or department possesses or
34 receives, and the commission and department have available to
35 them essential resource information on which to base their
36 decisions.

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

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

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

7 (10) Collaborative and cooperative approaches to management,
8 involving participants, wildlife scientists, and other interested
9 parties are strongly encouraged, and appropriate mechanisms are
10 in place to resolve disputes such as access, allocation, and gear
11 conflicts.

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

15 (12) The management system is periodically reviewed for
16 effectiveness in achieving sustainability goals and for fairness and
17 reasonableness in its interaction with people affected by
18 management.

19 2956. Any wildlife management regulation adopted by the
20 ~~commission~~ *department* shall, to the extent practicable, conform
21 to the policies of Section 2955.

22 2957. (a) The Legislature finds and declares all of the
23 following:

24 (1) Successful wildlife management is a collaborative process
25 that requires a high degree of ongoing communication and
26 participation of all those involved in the management process,
27 particularly the commission, the department, and those who
28 represent the people and resources that will be most affected by
29 wildlife management decisions, especially hunting and fishing
30 participants and other interested parties.

31 (2) In order to maximize the wildlife science expertise applied
32 to the complex issues of wildlife management, the commission
33 and the department are encouraged to continue to, and to find
34 creative new ways to, contract with or otherwise effectively involve
35 wildlife scientists, economists, collaborative factfinding process
36 and dispute resolution specialists, and others with the necessary
37 expertise at colleges, universities, private institutions, and other
38 agencies.

39 (3) The benefits of the collaborative process required by this
40 section apply to most wildlife management activities including,

1 but not limited to, the development and implementation of research
2 plans, wildlife managed area plans, wildlife management plans,
3 and plan amendments, and the preparation of status reports such
4 as those required by Section 2965.

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

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

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

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

19 (3) Consider the appropriateness of various forms of wildlife
20 resources comanagement, which involves close cooperation
21 between the department and participants, when developing and
22 implementing wildlife management plans.

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

26 2958. If there is a conflict between humans and wildlife,
27 hunting, fishing, and other activities that facilitate public use and
28 enjoyment of wildlife resources and generate revenue or otherwise
29 support wildlife conservation purposes shall, where feasible, be
30 the preferred means of managing wildlife resources.

31 2960. (a) The Legislature finds and declares that for the
32 purposes of sustainable wildlife management and this chapter,
33 essential resource information is necessary for federally and
34 state-managed wildlife resources important to the people of this
35 state to provide sustainable economic and recreational benefits to
36 the people of California. The Legislature further finds and declares
37 that acquiring essential resource information can best be
38 accomplished through the ongoing cooperation and collaboration
39 of participants in wildlife resources.

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

4 (c) The department, to the maximum extent practicable and
5 consistent with Section 2957, shall encourage the participation of
6 hunters and ~~anglers~~ *fishers* in wildlife resources research within a
7 framework that ensures the objective collection and analysis of
8 data, research design, and in carrying out research.

9 (d) The department may apply for grants to conduct research
10 and may enter into contracts or issue competitive grants to public
11 or private research institutions to conduct research.

12 2961. The *department and* commission's policies and
13 regulations shall recognize and support the principles of the North
14 American ~~Model of Wildlife Conservation Model~~, *Conservation*,
15 which include the following principles:

16 (a) Wildlife as a public trust resource. Wildlife is held in the
17 public trust through state and federal governments. Though an
18 individual may own the land upon which wildlife resides, that
19 individual does not own the wildlife. Instead, the wildlife is owned
20 by all citizens.

21 (b) The elimination of markets for game. Commercial hunting
22 and the sale of ~~wildlife~~ *games species* is generally prohibited to
23 ensure the sustainability of ~~wildlife~~ *game species* populations. This
24 principle holds that unregulated economic markets for game ~~and~~
25 ~~nongame~~ ~~wildlife~~ are unacceptable because they privatize a
26 common resource and generally lead to declines.

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

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

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

1 (f) Science is the proper tool for discharge of wildlife policy.
2 Science and the input of wildlife professionals are the basis for
3 informed management and decisionmaking processes. Science in
4 wildlife policy includes studies of population dynamics, behavior,
5 habitat, adaptive management, and national surveys of hunting
6 and fishing.

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

9 2962. (a) The department shall establish a program for external
10 peer review of the scientific basis of wildlife resources management
11 documents. The department, in its discretion and unless otherwise
12 required by this chapter, may submit to peer review documents
13 that include, but are not limited to, wildlife management plans and
14 plan amendments and wildlife resource research plans.

15 (b) The department may enter into an agreement with one or
16 more outside entities that are significantly involved with
17 researching and understanding wildlife resources and are not
18 advocacy organizations. These entities may include, but not be
19 limited to, the University of California, the California State
20 University, the Pacific Flyway Council, or any other entity
21 approved by the commission to select and administer peer review
22 panels, as needed. The peer review panels shall be composed of
23 individuals with technical expertise specific to the document to be
24 reviewed. The entity with which the department enters into an
25 agreement for a peer review shall be responsible for the scientific
26 integrity of the peer review process. Each peer reviewer may be
27 compensated as needed to ensure competent peer review. Peer
28 reviewers shall not be employees or officers of the department or
29 the commission and shall not have participated in the development
30 of the document to be reviewed.

31 (c) The external peer review entity, within the timeframe and
32 budget agreed upon by the department and the external scientific
33 peer review entity, shall provide the department with the written
34 report of the peer review panel that contains an evaluation of the
35 scientific basis of the document. If the report finds that the
36 department has failed to demonstrate that a scientific portion of
37 the document is based on sound scientific knowledge, methods,
38 and practices, the report shall state that finding and the reasons for
39 the finding. The department may accept the finding, in whole or
40 in part, and may revise the scientific portions of the document

1 accordingly. If the department disagrees with any aspect of the
 2 finding of the external scientific peer review, it shall explain, and
 3 include as part of the record, its basis for arriving at that
 4 determination in the analysis prepared for the adoption of the final
 5 document, including the reasons why it has determined that the
 6 scientific portions of the document are based on sound scientific
 7 knowledge, methods, or practice. The department shall submit the
 8 external scientific peer review report to the commission with any
 9 peer reviewed document that is to be adopted or approved by the
 10 commission.

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

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

17
 18
 19

Article 3. Commission and Department

20 2965. (a) The director shall report annually in writing to the
 21 commission on the status of wildlife resources managed by the
 22 state. The date of the report shall be chosen by the commission
 23 with the advice of the department. Each annual report shall cover
 24 wildlife resources managed by the state on a schedule agreed upon
 25 by the commission and department so that all managed wildlife
 26 resources will be reported on at least once every decade. The
 27 department shall involve expertise from outside the department in
 28 compiling information for the report, which may include, but need
 29 not be limited to, other wildlife scientists, resource participants,
 30 and other interested parties.

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

34 (c) Notwithstanding subdivision (a), the first annual report shall
 35 be presented to the commission on or before January 1, 2020, and
 36 shall cover the 10 most popular wildlife resources managed by the
 37 state. To the extent that the requirements of this section and Section
 38 2973 are duplicative, the first annual report may be combined with
 39 the plan required pursuant to Section 2973.

1 2966. (a) The Legislature finds and declares that a number of
2 human-caused and natural factors can affect the health of wildlife
3 resources and result in wildlife resources that do not meet the
4 policies and other requirements of this chapter.

5 (b) To the extent feasible, the director's report to the commission
6 pursuant to Section 2965 shall identify any wildlife resource that
7 does not meet the sustainability policies of this chapter. In the case
8 of a resource identified as being depressed, the report shall indicate
9 the causes of the depressed condition, describe steps being taken
10 to rebuild the resource, and, to the extent practicable, recommend
11 additional steps to rebuild.

12 (c) The director's report to the commission pursuant to Section
13 2965, consistent with paragraph (12) of subdivision (b) of Section
14 2955, shall evaluate the management system and may recommend
15 modifications of that ~~system to the commission.~~ *system.*

16

17 Article 4. Wildlife Management Plans—General Policies

18

19 2970. The Legislature finds and declares that the critical need
20 to conserve, utilize, and manage the state's wildlife resources and
21 to meet the policies and other requirements stated in this chapter
22 require that the state's wildlife resources be managed by means
23 of wildlife management plans.

24 2971. In the case of any resource for which the ~~commission~~
25 *department* has management authority, regulations that the
26 ~~commission~~ *department* adopts to implement a wildlife
27 management plan or plan amendment for that resource may make
28 inoperative, in regard to that resource, any wildlife management
29 statute that applies to that resource, including, but not limited to,
30 statutes that govern allowable take, permit programs, fees, and
31 time, area, and methods of taking.

32 2972. (a) Wildlife management plans shall form the primary
33 basis for managing California's wildlife resources.

34 (b) Wildlife management plans shall be based on the best
35 scientific information that is available, on other relevant
36 information that the department possesses, or on the scientific
37 information or other relevant information that can be obtained
38 without substantially delaying the preparation of the plan.

39 (c) To the extent that conservation and management measures
40 in a wildlife management plan either increase or restrict the overall

1 harvest, wildlife management plans shall allocate those increases
2 or restrictions fairly among user groups and ensure a reasonable
3 level of hunting and fishing opportunity on public lands and waters.

4 2973. (a) On or before September 1, 2018, the department
5 shall submit to the commission for its approval a master plan that
6 specifies the process and the resources needed to prepare, adopt,
7 and implement wildlife management plans for wildlife resources
8 managed by the state. Consistent with Section 2957, the master
9 plan shall be prepared with the advice, assistance, and involvement
10 of participants in the various wildlife resources and their
11 representatives, wildlife conservationists, wildlife scientists, and
12 other interested persons.

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

14 (1) A list identifying the wildlife resources managed by the
15 state, with individual wildlife resources assigned to wildlife
16 management plans as determined by the department according to
17 conservation and management needs and consistent with paragraph
18 (5) of subdivision (b) of Section 2955.

19 (2) A priority list for preparation of wildlife management plans.
20 Highest priority shall be given to wildlife resources that the
21 department determines have the greatest need for changes in
22 conservation and management measures in order to comply with
23 the policies and requirements set forth in this chapter. Wildlife
24 resources for which the department determines that current
25 management complies with the policies and requirements of this
26 chapter shall be given the lowest priority.

27 (3) A description of the research, monitoring, and data collection
28 activities that the department conducts for wildlife resources and
29 of any additional activities that might be needed for the department
30 to acquire essential wildlife information, with emphasis on the
31 higher priority wildlife resources identified pursuant to paragraph
32 (2).

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

37 (5) A process for periodic review and amendment of the master
38 plan.

39 (c) The commission shall adopt or reject the master plan or
40 master plan amendment, in whole or in part, after a public hearing.

1 If the commission rejects a part of the master plan or master plan
2 amendment, the commission shall return that part to the department
3 for revision and resubmission ~~pursuant to the revision and~~
4 ~~resubmission procedures for wildlife management plans as~~
5 ~~described in subdivision (a) of Section 2975.~~ *together with a*
6 *written statement of reasons for the rejection. The department*
7 *shall revise and resubmit that part to the commission within 90*
8 *days of the rejection. The revised plan or plan amendment is*
9 *subject to the review and adoption requirements of this article.*

10 2974. (a) The department shall prepare interim research
11 protocols for at least the three highest priority wildlife resources
12 identified pursuant to paragraph (2) of subdivision (b) of Section
13 2973. An interim protocol shall be used by the department until a
14 wildlife management plan is implemented for that resource.

15 (b) Consistent with Section 2957, each protocol shall be prepared
16 with the advice, assistance, and involvement of participants in the
17 various wildlife resources and their representatives, wildlife
18 conservationists, wildlife scientists, and other interested persons.

19 (c) Interim protocols shall be submitted to peer review as
20 described in Section 2962 unless the department, pursuant to
21 subdivision (d), determines that peer review of the interim protocol
22 is not justified. For the purpose of peer review, interim protocols
23 may be combined in the following circumstances:

24 (1) For related wildlife resources.

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

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

30
31 Article 5. Wildlife Management Plan Preparation, Approval,
32 and Regulations
33

34 2975. (a) The department shall prepare wildlife management
35 plans and plan amendments, including any proposed regulations
36 necessary to implement plans or plan amendments, ~~to be submitted~~
37 ~~to the commission~~ *considered by the department through a public*
38 *process* for adoption or rejection. Prior to ~~submitting~~ *considering*
39 a plan or plan amendment, including any proposed regulations
40 necessary for implementation, ~~to the commission,~~ the department

1 shall submit the plan to peer review pursuant to Section 2962,
2 unless the department determines that peer review of the plan or
3 plan amendment may be exempted pursuant to subdivision (c). If
4 the department makes that determination, it shall submit its reasons
5 for that determination to the commission with the plan. ~~If the
6 commission rejects a plan or plan amendment, including proposed
7 regulations necessary for implementation, the commission shall
8 return the plan or plan amendment to the department for revision
9 and resubmission together with a written statement of reasons for
10 the rejection. The department shall revise and resubmit the plan
11 or plan amendment to the commission within 90 days of the
12 rejection. The revised plan or plan amendment is subject to the
13 review and adoption requirements of this article.~~

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

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

21 (d) Participants and their representatives, scientists, or other
22 interested parties may propose plan provisions or plan amendments
23 to the department or commission. ~~The commission shall review
24 any proposal submitted to the commission and may recommend
25 to the department that the department develop a wildlife
26 management plan or plan amendment to incorporate the proposal.
27 department. The department shall review any proposal and may
28 develop a wildlife management plan or plan amendment to
29 incorporate the proposal.~~

30 2976. (a) To the extent practicable, and consistent with Section
31 2957, the department shall seek advice and assistance in developing
32 a wildlife management plan from hunting and fishing interests,
33 landowners, other participants in the affected resource, scientists,
34 and other interested parties. The department shall also seek the
35 advice and assistance of other persons or entities that it deems
36 appropriate, which may include, but is not limited to, the United
37 States Fish and Wildlife Service and any advisory committee of
38 the department.

39 (b) In the case of a wildlife management plan or a plan
40 amendment that is submitted to peer review, the department shall

1 provide the peer review panel with any written comments on the
2 plan or plan amendment that the department has received from
3 participants and other interested parties.

4 2977. A wildlife management plan or plan amendment, or
5 proposed regulations necessary for implementation of a plan or
6 plan amendment, developed by the department shall be available
7 to the public for review at least 30 days prior to a hearing on the
8 management plan or plan amendment by the ~~commission~~
9 *department*. Persons requesting to be notified of the availability
10 of the plan shall be notified in sufficient time to allow them to
11 review and submit comments at or prior to a hearing. Proposed
12 plans and plan amendments and hearing schedules and agendas
13 shall be posted on the commission and department's Internet Web
14 site.

15 2978. (a) The ~~commission~~ *department* shall hold at least ~~two~~
16 *three* public hearings on a wildlife management plan or plan
17 amendment prior to the ~~commission's~~ *department's* adoption or
18 rejection of the plan.

19 (b) ~~The plan or plan amendment shall be heard not later than~~
20 ~~60 days following receipt of the plan or plan amendment by the~~
21 ~~commission. The commission may adopt the plan or plan~~
22 ~~amendment at the second public hearing, at the commission's~~
23 ~~meeting following the second public hearing, or at any duly noticed~~
24 ~~subsequent meeting, subject to subdivision (c).~~

25 (b) *The department may adopt the plan or plan amendment at*
26 *the third hearing or at any duly noticed subsequent meeting, subject*
27 *to subdivision (c).*

28 (c) When scheduling the location of a hearing or meeting relating
29 to a wildlife management plan or plan amendment, the ~~commission~~
30 *department* shall consider factors, including, among other factors,
31 the area of the state, if any, where participants are concentrated.

32 (d) Prior to the adoption of a wildlife management plan or plan
33 amendment that would make inoperative a statute, the ~~commission~~
34 *department* shall provide a copy of the plan or plan amendment
35 to the Legislature for review by the appropriate policy committee
36 in each house of the Legislature.

37 (e) The ~~commission~~ *department* shall adopt any regulations
38 necessary to implement a wildlife plan or plan amendment no more
39 than 60 days following adoption of the plan or plan amendment.
40 All implementing regulations adopted under this subdivision shall

1 be adopted as a regulation pursuant to the rulemaking provisions
2 of the Administrative Procedure Act (Chapter 3.5 (commencing
3 with Section 11340) of Part 1 of Division 3 of Title 2 of the
4 Government Code). The ~~commission's~~ *department's* adoption of
5 regulations to implement a wildlife management plan or plan
6 amendment shall not trigger an additional review process under
7 the California Environmental Quality Act (Division 13
8 (commencing with Section 21000) of the Public Resources Code).

9 (f) Regulations adopted by the ~~commission~~ *department* to
10 implement a plan or plan amendment shall specify any statute or
11 regulation of the ~~commission~~ *department* that is to become
12 inoperative as to the particular resources. The list shall designate
13 each statute or regulation by individual section number, rather than
14 by reference to articles or chapters.

15

16 Article 6. Contents of Wildlife Management Plans

17

18 2980. Consistent with subdivision (b) of Section 2972, each
19 wildlife management plan prepared by the department shall
20 summarize readily available information about the resource,
21 including, but not limited to, all of the following:

22 (a) The species of wildlife and their location, number of
23 participants involved, effort, and a history of conservation and
24 management measures affecting the resource.

25 (b) The natural history and population dynamics of the target
26 species and the effects of changing environmental conditions on
27 the target species.

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

29 (d) The ecosystem role of the target species and the relationship
30 of the resource to the ecosystem role of the target species.

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

33 2981. Consistent with subdivision (b) of Section 2972, each
34 wildlife management plan or plan amendment prepared by the
35 department shall include a research protocol that does all of the
36 following:

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

38 (b) Identifies essential information for the resource, including,
39 but not limited to, the resources and time necessary to acquire the
40 information.

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

4 2982. Each wildlife management plan or plan amendment
5 prepared by the department shall contain the measures necessary
6 and appropriate for the conservation and management of the
7 resource according to the policies and other requirements in this
8 chapter.

9 2983. (a) Each wildlife management plan prepared by the
10 department shall incorporate the existing conservation and
11 management measures provided in this code that are determined
12 by the department to result in a sustainable resource.

13 (b) If additional conservation and management measures are
14 included in the plan, the department shall, consistent with
15 subdivision (b) of Section 2972, summarize anticipated effects of
16 those measures on relevant resource populations and habitats, on
17 participants, and on communities and businesses that rely on the
18 resource.

19 2984. Consistent with subdivision (b) of Section 2972, each
20 wildlife management plan or plan amendment prepared by the
21 department for a resource that the department has determined has
22 adverse effects on wildlife habitat shall include measures that, to
23 the extent practicable, minimize those effects.

24 2985. (a) Consistent with subdivision (b) of Section 2972,
25 each wildlife management plan or plan amendment prepared by
26 the department shall specify criteria for identifying when the
27 resource is overutilized.

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

32 (c) Any wildlife management plan, plan amendment, or
33 regulation prepared pursuant to subdivision (b), shall do both of
34 the following:

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

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

3 2986. (a) Each wildlife management plan prepared by the
4 department shall include a procedure for review and amendment
5 of the plan, as necessary.

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

9 2987. Each wildlife management plan and plan amendment
10 shall include a list of any statutes and regulations that shall become
11 inoperative, as to the particular resource covered by the wildlife
12 management plan or plan amendment, upon the ~~commission's~~
13 *department's* adoption of implementing regulations for that wildlife
14 management plan or plan amendment.

15
16 Article 7. *Department and Commission Responsibility to*
17 *Provide Hunting and Fishing Opportunities*
18

19 2989. ~~(a) To the extent practicable, the policies and regulations~~
20 ~~adopted by the *department and* commission shall support access~~
21 ~~and opportunity for the public to engage in the broadest array of~~
22 ~~hunting and fishing activities, consistent with the best available~~
23 ~~science and sustainable use of wildlife resources.~~

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

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

29 ~~(2) A reasonable level of public access for hunting or fishing,~~
30 ~~as applicable, is provided via the SHARE Program established~~
31 ~~pursuant to Article 3 (commencing with Section 1570) of Chapter~~
32 ~~5 of Division 2, a cooperative hunting area established pursuant~~
33 ~~to Section 1575, or any other means deemed appropriate by the~~
34 ~~department.~~

35
36 Article 8. Funding
37

38 2990. The department and commission shall prioritize funding
39 and staffing to meet the mandates and goals of this chapter.

1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the penalty
6 for a crime or infraction, within the meaning of Section 17556 of
7 the Government Code, or changes the definition of a crime within
8 the meaning of Section 6 of Article XIII B of the California
9 Constitution.

O