

ASSEMBLY BILL

No. 2283

Introduced by Assembly Member Portantino

February 24, 2012

An act to amend Sections 37, 39, 700, and 2089.4 of the Fish and Game Code, and to amend Section 12805 of the Government Code, relating to fish and game.

LEGISLATIVE COUNSEL'S DIGEST

AB 2283, as introduced, Portantino. Fish and game.

Existing law establishes the Department of Fish and Game and sets forth the duties of that department.

This bill would rename the Department of Fish and Game the Department of Fish and Wildlife, and would make related changes. The bill would prohibit existing supplies, forms, insignias, signs, logos, uniforms, or emblems from being destroyed or changed as a result of changing the name of the Department of Fish and Game to the Department of Fish and Wildlife, and would require their continued use until exhausted or unserviceable.

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

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

- 1 SECTION 1. Section 37 of the Fish and Game Code is amended
- 2 to read:
- 3 37. "Department" means the Department of Fish and ~~Game~~.
- 4 *Wildlife*.

SEC. 2. Section 39 of the Fish and Game Code is amended to read:

39. “Director” means the Director of Fish and ~~Game~~ *Wildlife*.

SEC. 3. Section 700 of the Fish and Game Code is amended to read:

700. (a) There is in the *Natural* Resources Agency a Department of Fish and ~~Game~~ *Wildlife* administered through the director.

(b) *The Department of Fish and Wildlife shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, property, and jurisdiction previously vested in the Department of Fish and Game.*

(c) *Whenever the term “Department of Fish and Game” appears in a law, the term means the “Department of Fish and Wildlife.”*

(d) *No existing supplies, forms, insignias, signs, logos, uniforms, or emblems shall be destroyed or changed as a result of changing the name of the Department of Fish and Game to the Department of Fish and Wildlife, and those materials shall continue to be used until exhausted or unserviceable.*

SEC. 4. Section 2089.4 of the Fish and Game Code is amended to read:

2089.4. As used in this article, the following definitions apply:

(a) “Agreement” means a state safe harbor agreement approved by the department pursuant to this article. “Agreement” includes an agreement with an individual landowner and a programmatic agreement.

(b) “Baseline conditions” means the existing estimated population size, the extent and quality of habitat, or both population size and the extent and quality of habitat, for the species on the land to be enrolled in the agreement that sustain seasonal or permanent use by the covered species. Baseline conditions shall be determined by the department, in consultation with the applicant, and shall be based on the best available science and objective scientific methodologies. For purposes of establishing baseline conditions, a qualified person that is not employed by the department may conduct habitat surveys, if that person has appropriate species expertise and has been approved by the department.

(c) “Department” means the Department of Fish and ~~Game~~, *Wildlife*, acting through its director or his or her designee.

1 (d) “Landowner” means any person or nonstate or federal entity
2 or entities that lawfully hold any interest in land or water to which
3 they are committing to implement the requirements of this article.

4 (e) “Management actions” means activities on the enrolled land
5 or water that are reasonably expected by the department to provide
6 a net benefit to the species or their habitat, or both.

7 (f) “Monitoring program” means a program established or
8 approved by the department in accordance with subdivision (f) of
9 Section 2089.6.

10 (g) “Net conservation benefit” means the cumulative benefits
11 of the management activities identified in the agreement that
12 provide for an increase in a species’ population or the enhancement,
13 restoration, or maintenance of covered species’ suitable habitats
14 within the enrolled property. Net conservation benefit shall take
15 into account the length of the agreement, any offsetting adverse
16 effects attributable to the incidental taking allowed by the
17 agreement, and other mutually agreed upon factors. Net
18 conservation benefits shall be sufficient to contribute either directly
19 or indirectly to the recovery of the covered species. These benefits
20 include, but are not limited to, reducing fragmentation and
21 increasing the connectivity of habitats, maintaining or increasing
22 populations, enhancing and restoring habitats, and buffering
23 protected areas.

24 (h) “Programmatic agreement” means a state safe harbor
25 agreement issued to a governmental or nongovernmental program
26 administrator. The program administrator for a programmatic
27 agreement shall work with landowners and the department to
28 implement the agreement. The program administrator and the
29 department shall be responsible for ensuring compliance with the
30 terms of the agreement.

31 (i) “Qualified person” means a person with species expertise
32 who has been approved by the department.

33 (j) “Return to baseline” means, at the termination of an
34 agreement, activities undertaken by the landowner to return the
35 species population or extent or quality of habitat to baseline,
36 excluding catastrophic events such as floods, unplanned fires, or
37 earthquakes, and other factors mutually agreed upon prior to permit
38 issuance and that are beyond the control of the landowner.

39 SEC. 5. Section 12805 of the Government Code is amended
40 to read:

1 12805. (a) The Resources Agency is hereby renamed the
2 Natural Resources Agency. The Natural Resources Agency consists
3 of the departments of Forestry and Fire Protection, Conservation,
4 Fish and ~~Game~~, *Wildlife*, Boating and Waterways, Parks and
5 Recreation, Resources Recycling and Recovery, and Water
6 Resources; the State Lands Commission; the Colorado River Board;
7 the San Francisco Bay Conservation and Development
8 Commission; the Central Valley Flood Protection Board; the
9 Energy Resources Conservation and Development Commission;
10 the Wildlife Conservation Board; the Delta Protection Commission;
11 the Native American Heritage Commission; the California
12 Conservation Corps; the California Coastal Commission; the State
13 Coastal Conservancy; the California Tahoe Conservancy; the Santa
14 Monica Mountains Conservancy; the Coachella Valley Mountains
15 Conservancy; the San Joaquin River Conservancy; the San Gabriel
16 and Lower Los Angeles Rivers and Mountains Conservancy; the
17 Baldwin Hills Conservancy; the San Diego River Conservancy;
18 and the Sierra Nevada Conservancy.

19 (b) No existing supplies, forms, insignias, signs, or logos shall
20 be destroyed or changed as a result of changing the name of the
21 Resources Agency to the Natural Resources Agency, and those
22 materials shall continue to be used until exhausted or unserviceable.