

AMENDED IN ASSEMBLY MAY 25, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2283

Introduced by Assembly Member Portantino

February 24, 2012

An act to amend Sections 37, 39, 700, and 2089.4 of, and to add Sections 26 and 700.5 to, the Fish and Game Code, to amend Section 12805 of the Government Code, relating Code, relating to fish and game.

LEGISLATIVE COUNSEL'S DIGEST

AB 2283, as amended, 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. *The bill would prohibit the department from revising information technology systems or programs sooner than otherwise planned as a result of the change in the name of the department.*

This bill would also provide that, on or after January 1, 2013, the Department of Fish and Wildlife may be referred to, where appropriate and as deemed by the Director of Fish and Wildlife, as CAL WILD. This bill would prohibit existing supplies, forms, insignias, signs, or

logos from being destroyed or changed as a result of authorization to use CAL WILD, where appropriate, to refer to the Department of Fish and Wildlife, and would require their continued use until exhausted or ~~unserviceable~~ *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 26 is added to the Fish and Game Code,
2 to read:

3 26. "CAL WILD" means the Department of Fish and Wildlife.

4 SEC. 2. Section 37 of the Fish and Game Code is amended to
5 read:

6 37. "Department" means the Department of Fish and Wildlife.

7 SEC. 3. Section 39 of the Fish and Game Code is amended to
8 read:

9 39. "Director" means the Director of Fish and Wildlife.

10 SEC. 4. Section 700 of the Fish and Game Code is amended
11 to read:

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

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

18 (c) Whenever the term "Department of Fish and Game" appears
19 in a law, the term means the "Department of Fish and Wildlife."

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

25 (e) *The department shall not revise information technology*
26 *systems or programs sooner than otherwise planned as a result*
27 *of the change in the name of the department pursuant to this*
28 *section. The department shall incorporate the change in the name*
29 *of the department into the information technology system and*
30 *programs as those systems and programs are updated, revised, or*
31 *replaced in the normal course of business.*

SEC. 5. Section 700.5 is added to the Fish and Game Code, to read:

700.5. (a) Notwithstanding any other law, on or after January 1, 2013, the Department of Fish and Wildlife may be referred to, where appropriate and as deemed by the director, as CAL WILD.

(b) No existing supplies, forms, insignias, signs, or logos shall be destroyed or changed as a result of authorization to use CAL WILD, where appropriate, to refer to the department, and they shall continue to be used until exhausted or ~~unservicable~~ *unserviceable*.

SEC. 6. 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 Wildlife, acting through its director or his or her designee.

(d) “Landowner” means ~~any~~ *a* person or nonstate or federal entity ~~or entities that lawfully hold any~~ *holds an* interest in land or water to which ~~they are~~ *the entity is* committing to implement the requirements of this article.

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

1 (f) “Monitoring program” means a program established or
2 approved by the department in accordance with subdivision (f) of
3 Section 2089.6.

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

18 (h) “Programmatic agreement” means a state safe harbor
19 agreement issued to a governmental or nongovernmental program
20 administrator. The program administrator for a programmatic
21 agreement shall work with landowners and the department to
22 implement the agreement. The program administrator and the
23 department shall be responsible for ensuring compliance with the
24 terms of the agreement.

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

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

33 SEC. 7. Section 12805 of the Government Code is amended
34 to read:

35 12805. (a) The Resources Agency is hereby renamed the
36 Natural Resources Agency. The Natural Resources Agency consists
37 of the departments of Forestry and Fire Protection, Conservation,
38 Fish and Wildlife, Boating and Waterways, Parks and Recreation,
39 Resources Recycling and Recovery, and Water Resources; the
40 State Lands Commission; the Colorado River Board; the San

1 Francisco Bay Conservation and Development Commission; the
2 Central Valley Flood Protection Board; the Energy Resources
3 Conservation and Development Commission; the Wildlife
4 Conservation Board; the Delta Protection Commission; the Native
5 American Heritage Commission; the California Conservation
6 Corps; the California Coastal Commission; the State Coastal
7 Conservancy; the California Tahoe Conservancy; the Santa Monica
8 Mountains Conservancy; the Coachella Valley Mountains
9 Conservancy; the San Joaquin River Conservancy; the San Gabriel
10 and Lower Los Angeles Rivers and Mountains Conservancy; the
11 Baldwin Hills Conservancy; the San Diego River Conservancy;
12 and the Sierra Nevada Conservancy.

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

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