Western Riverside County Regional Wastewater Authority received a $570,000 loan for construction of the Home Gardens Trunk Sewer; the East Bay Municipal Utility District received a $15.1 million loan for the San Antonio Creek Wet Weather Treatment Facility and a $4.9 million loan for the Chevron Water Reclamation Project; the City of Livermore received a $14 million loan for a sewage treatment plant expansion; the City of Santa Cruz received a $20 million loan for a wastewater treatment plant upgrade; and the City of Oceanside received $13.4 million for the construction of improvements to the San Luis Rey Wastewater Treatment Plant.

At the same meeting, the Board approved amendments to the Water Quality Control Plan for the San Francisco Bay Basin, and approved a resolution declaring that the Draft Tribal Permit for the Campo Indian Reservation Solid Waste Landfill provides adequate water quality protection.

FUTURE MEETINGS

Workshop meetings are generally held the first Wednesday and Thursday of each month in Sacramento. Contact Maureen Marché at (916) 657-0990 for information.

RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

Executive Director:
Peter Douglas
Chair: Thomas Gwyn
(415) 904-5200

The California Coastal Commission was established by the California Coastal Act of 1976, Public Resources Code (PRC) section 30000 *et seq.*, to regulate conservation and development in the coastal zone. The coastal zone, as defined in the Coastal Act, extends three miles seaward and generally 1,000 yards inland. This zone, except for the San Francisco Bay area (which is under the independent jurisdiction of the San Francisco Bay Conservation and Development Commission), determines the geographical jurisdiction of the Commission. The Commission has authority to control development of, and maintain public access to, state tidelands, public trust lands within the coastal zone, and other areas of the coastal strip. Except where control has been returned to local governments, virtually all development which occurs within the coastal zone must be approved by the Commission.

The Commission is also designated the state management agency for the purpose of administering the Federal Coastal Zone Management Act (CZMA) in California. Under this federal statute, the Commission has authority to review oil exploration and development in the three-mile state coastal zone, as well as federally sanctioned oil activities beyond the three-mile zone which directly affect the coastal zone. The Commission determines whether these activities are consistent with the federally certified California Coastal Management Program (CCMP). The CCMP is based upon the policies of the Coastal Act. A "consistency certification" is prepared by the proposing company and must adequately address the major issues of the Coastal Act. The Commission then either concurs with, or objects to, the certification.

A major component of the CCMP is the preparation by local governments of local coastal programs (LCPs), mandated by the Coastal Act of 1976. Each LCP consists of a land use plan and implementing ordinances. Most local governments prepare these in two separate phases, but some are prepared simultaneously as a total LCP. An LCP does not become final until both phases are certified, formally adopted by the local government, and then "effectively certified" by the Commission. Until an LCP has been certified, virtually all development within the coastal zone of a local area must be approved by the Commission. After certification of an LCP, the Commission's regulatory authority is transferred to the local government subject to limited appeal to the Commission. Of the 126 certifiable local areas in California, 80 (64%) have received certification from the Commission as of January 1, 1993.

The Commission meets monthly at various coastal locations throughout the state. Meetings typically last four consecutive days, and the Commission makes decisions on well over 100 line items. The Commission is composed of fifteen members: twelve are voting members and are appointed by the Governor, the Senate Rules Committee, and the Speaker of the Assembly. Each appoints two public members and two locally elected officials of coastal districts. The three remaining nonvoting members are the Secretaries of the Resources Agency and the Business and Transportation Agency, and the Chair of the State Lands Commission. The Commission's regulations are codified in Division 5.5, Title 14 of the California Code of Regulations (CCR).

In January, Assembly Speaker Willie Brown appointed Leon Williams of San Diego to a Commission seat formerly held by David Malcolm. Williams is currently in his third term as a San Diego County Supervisor.

MAJOR PROJECTS

Commission Approves Chevron's Petition to Ship Oil by Tanker From Point Arguello. A dizzying series of contentious public hearings, rehearings, and Coastal Commission actions during the first half of 1993 has resulted in the Commission's approval of a controversial permit allowing Chevron to ship up to 2.2 million gallons of crude oil per day by tanker from its Point Arguello oil project off Santa Barbara to Los Angeles until January 1, 1996. *[13:1 CRLR 113; 12:4 CRLR 195]*

After a six-hour hearing, the Commission first approved Chevron's proposal by a 7–4 vote at its January 13 meeting, but with several restrictions. Chevron must first ship at least 40,000 barrels per day from Point Arguello by existing pipeline, and then would be allowed to ship up to 50,000 barrels per day through the Santa Barbara Channel to Los Angeles in double-hull, double-bottom tankers. Further, Chevron may ship oil by tanker from the project only until January 1, 1996, and must undertake the construction of a larger-capacity pipeline between now and then and meet several construction deadlines established by the Commission or risk revocation of the tankering permit. The Commission also required Chevron and its partners to conduct an environmental survey of the coast of Ventura County to enable regulators to take corrective actions in the event of a spill, provide a radar-tracking system for vessels in shipping lanes off Ventura County, and undertake numerous other measures to mitigate the significant environmental impacts and risks posed by tanker shipping. Finally, in exchange for the permit, the Commission required Chevron drop its $2 billion lawsuits against the Commission and Santa Barbara County over the matter.

Outraged environmentalists—worried that the shipment of oil by tanker will lead to a repeat of the devastating 1969 oil spill off Santa Barbara and the recent wreck of an oil tanker off Scotland—immediately filed a motion for rehearing with the Commission, contending that the Commission was given inaccurate and incomplete information by Chevron, and was misled by its own staff's failure to outline all the alternatives to tanker shipping. They also noted that Commission staff admitted that the permit violates several provisions of the Coastal Act which the Commission is charged with enforcing. Specifically, staff's report made the following findings (among other things):

• The oil spill response measures and equipment proposed by Chevron have not proven effective in keeping oil off the shoreline under worst-case high sea and inclement conditions. Thus, "the proposed project does not provide 'effective' containment and cleanup facilities and procedures and is inconsistent with Coastal Act section 30232. However,...[the] project meets the definition of a coastal dependent industrial facility and is therefore eligible for special review under the Coastal Act's section 30260 'override' provisions."

• Chevron's proposed mitigation measures will not eliminate all marine resources impacts of the project; thus, the project is inconsistent with the resource protection policies of Coastal Act sections 30240, 30230, and 30231. However, "the Commission finds that the project, as conditioned, is consistent with Section 30260(3), which provides that environmental effects must be mitigated to the maximum extent feasible."

• The project's mitigation measures also fail to eliminate significant impacts on commercial and recreational fishing; as such, the project is inconsistent with Coastal Act sections 30230, 30231, 30234, and 30234.5. However, once again, "the Commission finds that the project, as conditioned, is consistent with Section 30260(3), which provides that environmental effects must be mitigated to the maximum extent feasible."

• Although the project contains some measures to mitigate its impacts on beach access and recreation, "due to the risk of an oil spill from tankering and mooring operations, and the potential impacts of an oil spill on recreation and public access, the Commission finds that these mitigation measures do not reduce the impacts of the project to a level consistent with Coastal Act Sections 30210, 30211, 30212, 30221, and 30240(b). Nevertheless, the...project proposal meets the definition for coastal dependent industrial facility and therefore is eligible for review for the override provisions of Coastal Act Section 30260...."

However, the Commission rejected the environmentalists' pleas by a 7–3 vote at its February 17 meeting, and again at its March 17 meeting. When environmentalists insisted that Chevron itself had given the Commission misleading information upon which approval of the permit was based, the Commission set a final hearing for May 12.

At the May hearing, environmentalists argued that Chevron had seriously underestimated the capacity of its existing pipeline, citing the fact that the amount of crude oil shipped by Chevron via the existing pipeline doubled immediately after the Commission's January decision to grant the permit. Chevron responded that the increased capacity was due to the federal government's decision to divert huge shipments of oil to Texas, thereby freeing additional room in the pipeline. The Commission again voted 7–4 to grant the permit, which—at this writing—is expected to result in oil tankering as early as June 1 (barring a lawsuit).

Commission Approves Rancho Palos Verdes Development. At its April 15 meeting, the Coastal Commission approved—by a 9–1 vote—a $135 million public golf course and residential development in Rancho Palos Verdes, citing the potential stimulus to the job market and prestige of the financially ailing city. The project, which—in addition to the golf course—will include 83 luxury homes and a 35-acre preserve for the declining California gnatcatcher, will generate close to $500,000 per year to the city's dwindling treasury. Commission Vice-Chair Lily Cervantes cast the only vote against the project, questioning how the public good is served by a golf course which will charge as much as $100 per round.

At the April meeting, staff presented a 770-page report detailing several problems with the project, but ultimately recommended that the Commission approve the plan with the condition that the developers agree to set aside sixteen acres of the proposed 100-acre golf course for parkland. In the end, the Commission approved an amended version of the developer's plan which leaves the golf course intact but adds a wheelchair-accessible trail with assurances from the developers that they will expand available parkland wherever possible. The project will also reserve about 39 acres of open space, much of it along bluffs overlooking the ocean.

The approval did not come easy for the developers of the project. Since 1988, developers have been trying to build golf courses, hotels, and upscale subdivisions along Rancho Palos Verdes' premier coastline. Although the city has backed the developers, conservationists have fought them every step of the way, arguing that the city is not authorized to sanction plans which violate state and local coastal protection laws. Moreover, the Coastal Conservation Coalition, a group that includes the local chapters of the Audubon Society and the Sierra Club, contends that development in the area would threaten the coastal sage scrub habitat of the California gnatcatcher and cactus wren. The Coastal Commission has several times rejected development schemes that were appealed to it by environmental groups.

Environmentalists were disappointed by the Commission's latest approval, stating that the Commission bowed to pressure from Assembly Speaker Willie Brown, Senate President pro Tem David Roberti, and Rancho Palos Verdes Mayor Susan Brooks, all of whom strongly supported the development. The Coalition has filed a lawsuit to invalidate the Commission's decision, contending that the project does not provide enough public access and violates state environmental protection laws.

Commission Delays Action on Surfcrest North Development Project. At its April meeting, the Commission delayed

taking action on Surfcrest North, a proposed 252-unit condominium complex on the bluffs overlooking Bolsa Chica Regional Linear Park. The project, part of an affluent, gated area near the Seacliff Country Club, was approved by the Huntington Beach planning commission in August 1992, but faced stiff competition from Coastal Commission staff. Staff determined that the proposed 9.8-acre complex is not consistent with the city's LCP. Particularly, staff took issue with the developer's plan to dedicate only 50 of the 252 units to "affordable housing." However, in a surprise move following an April 15 public hearing, developer Seacliff Partners revised its original plans and promised the Commissioners that it would make 156 units available as "affordable housing" to families whose annual income is less than 120% of the county's median income of $57,400. Thus, the price of the 156 designated units would be affordable to a family whose total income does not exceed $69,000.

The Commission agreed to postpone final approval of the permit application until its July meeting in order to study the proposal more carefully. Huntington Beach Mayor Grace Winchell and City Councilmember David Sullivan oppose the development despite the revisions, because they don't trust Seacliff Partners to follow through on its promises. Amigos de Bolsa Chica, an environmental group, is vigorously opposed to the project as "too dense" for the environmentally sensitive Bolsa Chica area.

Commission Enforcement Program Adopts Mission Statement. At its April meeting, the Commission adopted a mission statement for its fledgling enforcement program—only recently granted citation and fine authority and much needed staff positions. The mission statement provides: "The mission of the Commission's enforcement program is to protect coastal resources by assuring compliance with coastal development permit procedures under the Coastal Act. To carry out this mission, the Commission and its staff have two basic goals: (1) to respond quickly, effectively, efficiently, and appropriately to violations of the Coastal Act, focusing on timely restoration of affected coastal resources; and (2) to reduce the incidence of Coastal Act violations through effective deterrence including civil fines and an active violation prevention program. The enforcement staff should employ procedures which promote coordination with local governments and other state and federal regulators, and which assure fair, reasonable and expeditious exercise of the Commission's enforcement responsibilities and the efficient use of its limited resources to prevent and resolve violations."

Approximately one month later, the Commission issued the second cease and desist order in its history. Finding that Malibu landowner Hagop Najarian cleared a wide swath of land and carved off the side of a mountain without a permit, it ordered him to restore his five-acre mountain site to its former state or it will not issue two requested development permits. Several commissioners noted that staff had been negotiating with Najarian for three years prior to the issuance of the order.

Commission, City of Ventura at Impasse Over Bike Path. In December 1992, City of Ventura officials defied the Coastal Commission by spending $35,000 to construct a temporary rock barrier to halt erosion that has damaged a 250-foot section of the Omer L. Rains Shoreline Bike Path. On numerous previous occasions, the Commission had denied the City's request to build the barrier, noting that the bike path was constructed in 1986 as a "temporary improvement." *[13:1 CRLR 114]* Commission staff subsequently demanded that the City apply for another permit to retroactively approve the rock barrier, but the City refused. Notwithstanding its new enforcement mission statement, the Commission has not yet decided whether or the extent to which it will seek sanctions against the City.

LEGISLATION

AB 909 (T. Friedman). Under AB 3459 (T. Friedman) (Chapter 1114, Statutes of 1992), the California Coastal Act of 1976 requires any person who applies to the Commission for approval of a development permit to provide the Commission with the names and addresses of all persons who, for compensation, will be communicating with the Commission or Commission staff on the applicant's behalf. *[13:1 CRLR 113]* As amended April 21, this bill would also require the applicant to provide the Commission with the names and addresses of all such persons who will be communicating on behalf of the applicant's business partners.

The Act defines the term "ex parte communication" and excludes specified communications from that definition. This bill would also exclude from the definition of ex parte communication any communication that takes place on the record during an official proceeding of a state, regional, or local agency that involves a member of the Commission who also serves as an official of that agency, and any communication between a member of the Commission, with regard to any action of another state agency or of a regional or local agency of which the member is an official, and any other official or employee of that agency, including any person who is acting as an attorney for the agency.

The Act prohibits a Commission member or any interested person from conducting an ex parte communication unless the Commission member notifies the interested party that a full report of the ex parte communication will be entered in the Commission's official record. This bill would delete the requirement that a Commission member so notify the interested party.

The Act prohibits a Commission member or alternate from making, participating in making, or in any other way attempting to use his/her official position to influence a Commission decision about which the member or alternate has knowingly had an ex parte communication and which has not been reported as required by the Act. This bill would, in addition to any other applicable penalty, subject any Commission member who engages in that conduct to a civil fine, not to exceed $7,500. *[A. Floor]*

SB 261 (Beverly). Existing law requires any development project undertaken or approved by a state or local governmental entity to be reviewed for impact on the environment and, under specified conditions, modified to consider the mitigation of adverse impacts on the environment. As amended April 1, this bill would require any public agency with authority to approve or deny port projects that result in the filling of subtidal habitats within the ocean ports of California or habitats in the water of inland ports of California to approve, as mitigation for those fill projects, any subtidal or in-water mitigation project proposed by the port authority that the public agency determines provides appropriate and adequate mitigation for the adverse impacts on the affected subtidal or in-water habitat. *[A. NatRes]*

SB 303 (Beverly). Under the Coastal Act, the Commission is authorized to require a reasonable filing fee and the reimbursement of expenses for the processing of any application for a coastal development permit under the Act. As amended May 18, this bill would, with respect to any appeal of an action taken by a local government pursuant to specified provisions, require the Commission's Executive Director, within five working days of receipt of an appeal from any person other than members of the Commission or any public agency, to determine whether the appeal is patently frivolous. If the Executive Director determines that an appeal is

patently frivolous, this bill would prohibit the filing of the appeal until a filing fee in the amount of $300 has been deposited with the Commission, but would require the fee to be refunded if the Commission subsequently finds that the appeal raises a substantial issue. *[S. Floor]*

SB 473 (Mello), as introduced February 25, would enact the Coastal and Riparian Resources Bond Act of 1994 which, if adopted, would authorize, for purposes of financing a specified coastal and riparian resources program, the issuance, pursuant to the State General Obligation Bond Law, of bonds in the amount of $263 million. The bill would provide for submission of the bond act to the voters at the June 7, 1994, direct primary election in accordance with specified law. *[S. Appr]*

SB 608 (Rosenthal), as amended April 21, would authorize the Commission, the local government that is implementing a certified LCP, or a port that is implementing a port master plan, after a public hearing, to suspend a coastal development permit upon making a specified finding of a violation. The bill would authorize the Commission to issue a cease and desist order to enforce the requirements of a certified LCP or port master plan under specified circumstances. The bill would make violations of specified restoration orders subject to civil penalties of not more than $6,000 per day. *[S. Floor]*

AB 591 (T. Friedman), as amended May 5, would prohibit the transportation by marine tanker of any crude or processed oil produced from the Point Arguello field offshore of Santa Barbara County from any marine terminal in this state after February 1, 1994, unless, on or before that date, a specified pipeline agreement has been entered into (*see* MAJOR PROJECTS). The bill would prohibit that transportation of any crude or processed oil produced offshore of the county from any such marine terminal after January 1, 1996. The bill would authorize any person to bring an action for injunctive relief to enforce the requirements of the bill. *[A. Floor]*

LITIGATION

On January 19, four environmental groups filed a lawsuit in San Francisco County Superior Court against the Coastal Commission and the San Joaquin Hills Transportation Corridor Agencies in an attempt to stop construction of the planned 17.5-mile San Joaquin Hills tollway. A week earlier, the project had received federal approval from the U.S. Army Corps of Engineers—the last environmental permit the Corridor Agencies needed before construction could begin.

Environmentalists seek to overturn the Commission's November 1992 decision approving the plan for the tollway even though the road would damage rare coastal wetlands near Upper Newport Bay. Citing an existing statutory ban on construction of new state highways in coastal wetlands and destruction of the habitat of the declining California gnatcatcher, Commission staff had recommended that the panel deny the tollway permit. Nonetheless, eight Commission members defied staff's recommendation and—taking an expansive view of the statutory ban on such development—concluded that construction of the tollway is vital not only for relieving traffic congestion in the Orange County area but also for stimulating California's struggling economy by creating new jobs. The Commission attempted to bring its decision within the purview of its statutory duty to protect coastal resources by citing the tollway's potential for increased coastal access. *[13:1 CRLR 112–13]* Attorneys for the Natural Resources Defense Council, who represent Friends of Laguna Coast, Laguna Greenbelt, Laguna Canyon Conservancy, and Stop Polluting Our Newport in the lawsuit, contend that the whole project should be terminated as disastrous to wetlands in the area and that the Commission's decision directly violates the Coastal Act.

However, the environmentalists' efforts later suffered a one-two punch in late February when the U.S. Fish and Wildlife Service ruled that construction of the proposed tollway would pose no jeopardy to the gnatcatcher (because Orange County has agreed to create a new habitat for the bird), and in late May when a state appeals court ruled that the environmental impact report prepared by tollway proponents is adequate. At this writing, at least five lawsuits challenging the proposed construction of the tollway are still pending in state and federal court.

On January 15 in ***Sierra Club v. California Coastal Commission***, No. A053941, the First District Court of Appeal blocked a housing development planned for a coastal area of Mendocino County that is inhabited with "pygmy forests." Overruling a Coastal Commission decision, the court held that the Commission should have granted "environmentally sensitive habitat area" (ESHA) status to the forests which feature stunted yet mature cypress, manzanita, and pine trees.

In 1985, the Commission, rejecting staff's recommendations, approved Mendocino County's proposed land use plan (LUP) allowing one home for every five acres within areas of pygmy vegetation. Staff had recommended that the area be granted protected ESHA status under Public Resources Code sections 30107.5 and 30240, but the Commission concluded that mitigation measures to prevent erosion and groundwater contamination were adequate and approved the LUP. The superior court ruled in favor of the Sierra Club, holding that the Commission's decision to approve Mendocino County's LUP without granting ESHA status to the pygmy forests was not supported by substantial evidence. The First District affirmed, rejecting the Commission's reasoning that allowing development in the area was justified by the protection of some of the pygmy habitat in state parks and the mitigation measures required by the Commission. The court noted that pygmy forests are easily disturbed by development not only through removal of vegetation but also by the construction of roads and septic systems that could enrich the soil and cause the trees to spurt up with growth and destroy the ecosystem of the forest. The court also took notice of the conclusion of a consultant who studied the project that pygmy forests are valuable to scientists because they are a "unique ecosystem....The habitat is unique in the world and is found almost exclusively in Mendocino County." The County and the Commission also argued that granting protected status to pygmy forests in the area might constitute a taking of private property prohibited by the Constitution. The court rejected this contention, stating that the evidence in the record did not suggest high investment expectations or real threatened takings claims by pygmy forest landowners.

In January, Southern California Edison (SCE) agreed to spend $15 million on wetland restoration and marine education projects to settle a lawsuit brought by environmental activists from the Earth Island Institute. *[12:4 CRLR 197–98]* The settlement in ***Earth Island Institute v. Southern California Edison***, No. 90-1535 (U.S.D.C. S.D. Cal.)—one of the largest monetary settlements of a lawsuit brought by a private party under the Federal Clean Water Act, requires SCE to spend $7.5 million to restore 30–40 acres of wetlands in northern San Diego County, $2 million for wetlands research at San Diego State University, $5.5 million to develop a marine education center near Redondo Beach that will teach inner city youth about the environment, and $2 million on plaintiff's legal fees. This type of offsite mitigation—where companies causing environmental damage are permitted to make improvements on other sites as compensation—is controversial

and criticized by many environmentalists (*see* FEATURE ARTICLE). SCE has admitted no wrongdoing, maintaining that it has complied with all applicable environmental regulations, and claims that the settlement is an expedient way to avoid potentially more costly and complex litigation. Part of the settlement will be passed on to SCE ratepayers, pending approval by the Public Utilities Commission.

RECENT MEETINGS

At its January 14 meeting in Santa Monica, the Commission rejected for the second time in thirteen months developer Norman Haynie's plans to build luxury homes on Lechuza Beach in Malibu. Haynie bought the property in 1991 and contends that the Commission's refusal to grant him a building permit constitutes an unlawful taking without compensation, prohibited by the fifth amendment to the U.S. Constitution. The Commission had rejected Haynie's plans in 1991 but, in light of the U.S. Supreme Court's 1992 decision in *Lucas v. South Carolina Coastal Commission [12:4 CRLR 196–97]*, reconsidered the matter upon order by a superior court. As it had done previously, the Commission ruled that Haynie and his associates have no right to build on their property because to do so would violate the Coastal Act, which prohibits seawalls from being built except to protect existing structures. State officials had previously determined that the proposed homes would be unsafe without a seawall. The decision was cheered by residents who have opposed the building plans because their ocean views would have been affected. Haynie intends to file a suit against the Commission under *Lucas*.

Also in January, Executive Director Peter Douglas presented the Local Coastal Plan Status Report to the Commission, covering activity and progress for the period of January 1–December 31, 1992. The highlight of the year was the effective certification of the Mendocino County LCP and the assumption of permit-issuing authority by the County. Currently, 85% of the coastal zone is covered by certified LCPs, with 64% of certifiable local governments issuing permits.

At its February meeting, the Commission approved plans with conditions for a 42-acre park in the City of Carlsbad. The plan for the $11 million park includes a combination gymnasium and community center, a tennis complex, lighted baseball fields, a soccer field, basketball courts, a sand volleyball court, and picnic sites, including two covered shelters. The Commission required that the park site include 4.7 acres of undisturbed coastal sage scrub and 3.1 acres of disturbed coastal sage scrub as well as other environmentally sensitive acreage.

At its March meeting, the Commission announced the opening of a new regional office in Ventura to serve the area between Malibu and Santa Barbara County.

At its April meeting, the Commission granted a long-time Laguna Beach resident's petition for a permit to build a 2,800-square-foot residence in a huge boulder. Mary Bowler, 75, has dreamed of this project for 35 years. Earlier efforts to build on the rock or flatten it out failed, so an architect came up with a $2 million plan to dig the house into the rock and recap it with simulated rock and original plants. While some environmentalists were shocked that the Commission allowed such a development, no other hurdles are expected before construction begins.

At its May meeting, the Commission decided to limit long-term stays at the Ventura Beach Recreational Vehicle Resort as a cautionary measure because the park sits on a flood plain at the mouth of the Ventura River. During the flooding of 1992, the resort received national attention as about 40 recreational vehicles were damaged or destroyed and one indigent man drowned. This raised concern about long-term stays because, over time, many of the RVs had become inoperable due to lack of maintenance. The Commission's decision restricts visitors to a total of 90 days per year. Campers must leave every 30 days for a minimum period of 48 hours. The Commission also required that the park owner carry a $10 million insurance policy.

FUTURE MEETINGS

September 14–17 in San Francisco.
October 12–15 in Los Angeles.
November 16–19 in San Diego.
December 14–17 in San Francisco.

FISH AND GAME COMMISSION

Executive Director:
Robert R. Treanor
(916) 653-9683

The Fish and Game Commission (FGC), created in section 20 of Article IV of the California Constitution, is the policymaking board of the Department of Fish and Game (DFG). The five-member body promulgates policies and regulations consistent with the powers and obligations conferred by state legislation in Fish and Game Code section 101 *et seq.* Each member is appointed by the Governor to a six-year term. Whereas the original charter of FGC was to "provide for reasonably structured taking of California's fish and game," FGC is now responsible for determining hunting and fishing season dates and regulations, setting license fees for fish and game taking, listing endangered and threatened species, granting permits to conduct otherwise prohibited activities (*e.g.*, scientific taking of protected species for research), and acquiring and maintaining lands needed for habitat conservation. FGC's regulations are codified in Division 1, Title 14 of the California Code of Regulations (CCR).

Created in 1951 pursuant to Fish and Game Code section 700 *et seq.*, DFG manages California's fish and wildlife resources (both animal and plant) under the direction of FGC. As part of the state Resources Agency, DFG regulates recreational activities such as sport fishing, hunting, guide services, and hunting club operations. The Department also controls commercial fishing, fish processing, trapping, mining, and gamebird breeding.

In addition, DFG serves an informational function. The Department procures and evaluates biological data to monitor the health of wildlife populations and habitats. The Department uses this information to formulate proposed legislation as well as the regulations which are presented to the Fish and Game Commission.

As part of the management of wildlife resources, DFG maintains fish hatcheries for recreational fishing, sustains game and waterfowl populations, and protects land and water habitats. DFG manages over 570,000 acres of land, 5,000 lakes and reservoirs, 30,000 miles of streams and rivers, and 1,300 miles of coastline. Over 648 species and subspecies of birds and mammals and 175 species and subspecies of fish, amphibians, and reptiles are under DFG's protection.

The Department's revenues come from several sources, the largest of which is the sale of hunting and fishing licenses and commercial fishing privilege taxes. Federal taxes on fish and game equipment, court fines on fish and game law violators, state contributions, and public donations provide the remaining funds. Some of the state revenues come from the Environmental Protection Program through the sale of personalized automobile license plates.

DFG contains an independent Wildlife Conservation Board which has separate funding and authority. Only some of its activities relate to the Department. It is primarily concerned with the creation of recreation areas in order to restore, protect and preserve wildlife.