recycling of solid wastes generated in Yuba and Sutter counties.

Sludge Management. AB 1820 (Sher) (Chapter 145, Statutes of 1990) requires the Board to submit a report which describes and evaluates the various options for disposal and reuse of sludge. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 148 and Vol. 10, Nos. 2 & 3 (Spring /Summer 1990) p. 172 for background information.) CIWMB staff recommended that the timely preparation of the sludge report, which must be submitted by March 31, 1991, would require the retention of a consultant and would require approximately $100,000 for the analysis and report. At its August meeting, the Board approved an Invitation for Bids (IFB) for the preparation of the sludge study; the Board received five responses to the IFB by the deadline. Each bid was evaluated and rated by a review panel of Board staff.

At its October 31 meeting, the Board adopted staff's recommendation to accept the review panel's scores for bidders qualified to bid under the rules of the IFB, open the bid price and cost proposal to determine the lowest qualified bidder, and authorize the Executive Officer to negotiate a contract with the lowest qualified bidder.

LEGISLATION:

AB 130 (Hansen), as introduced December 7, would require CIWMB to establish a labeling program to license the use of environmentally safe product labels. It would require CIWMB's Source Reduction Advisory Committee to advise the Board on the design, application for licensing, and standards for products to meet in the program. This bill, which would also provide for the fees for the licenses, is pending in the Assembly Natural Resources Committee.

SB 51 (Torres), as introduced December 4, would create the Environmental Protection Agency, including within that agency CIWMB, the state Air Resources Board, the state Water Resources Control Board, each California regional water quality control board, and the Toxics Substances Control Department (which this bill would create). This bill is pending in the Senate Committee on Toxics and Public Safety Management.

SB 97 (Torres), as introduced December 13, would specify that "transformation," as that term is used in section 41783 of the Public Resources Code, does not include the incineration of municipal waste in a mass-burning facility, as specified. This bill is pending in the Senate Governmental Organization Committee.

RECENT MEETINGS:

At its November 27 meeting, the Board considered Orange County's request to designate its Health Care Agency as the sole LEA for the County. Prior to this request, the County's solid waste enforcement was under the auspices of the Department of General Services, which operates five landfills in the County. The Orange County Board of Supervisors, wishing to resolve this conflict of interest, abolished the existing LEA and designated the Health Care Agency as the LEA for the County, pending the Board's approval. The Board approved the County's decision, finding that all of the designation documents had been completed and the County had proposed an Enforcement Program Plan and organization which resolves all of the concerns of CIWMB staff.

The Board also discussed its proposed permit enforcement policy at the November meeting. This enforcement policy dates back to a 1987 order of the CWMB to its staff to resolve the problems of out-of-date solid waste facilities permits. Initially, the Board mandated that each LEA conduct permit reviews for the facilities in its area. As a result of these permit reviews, CIWMB became aware that LEAs were not properly addressing the special limitations placed on older permits (those prepared prior to 1988). To remedy this situation, the Board conducted LEA training seminars in 1989 and 1990, and drafted a proposed enforcement policy; CWMB staff began circulating the enforcement policy to LEAs and facility operators in February 1990. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 170-71 for extensive background information.) The policy, which has been endorsed by the Enforcement Advisory Council and was approved by the Board at its November meeting, is an affirmation of CIWMB's position that LEAs should take enforcement action in the form of a Notice and Order when permit limits are exceeded by facilities. The enforcement policy is aimed at bringing all of the state's facilities into compliance by August 1, 1992.

At its November meeting, the Board also voted to contract for the training of LEAs during fiscal 1990-91. Staff suggested contracting with Solid Waste Association of North America for this training; the Board accepted that suggestion at its December 19 meeting. The Board also discussed a proposed contract for a public awareness program; this program is mandated by PRC section 42600 *et seq*. The Board discussed allocating funds from the 1990-91 budget for this program, and voted to allocate $1 million for the program, with increasing amounts in the future. The Board's staff feels that the large allocation will attract reputable advertising agencies into the bidding.

At its December 19 meeting, the Board approved a proposal to contract with the League of California Cities to assist in the implementation of integrated waste management programs, allocate $65,000 from the 1990-91 budget for this proposal, and authorize the Executive Officer to negotiate and execute the contract.

At the December meeting, CIWMB also authorized the Executive Officer to negotiate and execute an interagency agreement with the Office of Emergency Services for field staff health and safety training for fiscal year 1990-91 in an amount not to exceed $40,000.

FUTURE MEETINGS:

To be announced.

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 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 125 certifiable local areas in California, 72 (58%) have received certification from the Commission as of January 1, 1990.

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).

MAJOR PROJECTS:

SDG&E Powerplant Augmentation and Siting. San Diego Gas & Electric Company's (SDG&E) proposal to construct a 140-megawatt natural gas addition to its South Bay powerplant in Chula Vista (which is located within the coastal zone) has been suspended indefinitely by the California Energy Commission (CEC) at the request of SDG&E. (*See infra* agency report on CEC for additional information.) According to SDG&E, the addition would provide increased capacity and super-clean energy capabilities to the existing plant. SDG&E cited continuing expenses and the possibility of a merger with Southern California Edison (SCE) (which has a surplus of power) as reasons for its suspension request. While all work has stopped on the project and all permit applications have been suspended, the project has not been cancelled and may be restarted if the merger is not approved.

In addition, SDG&E recently revealed its plans to construct a new $500 million, 460-megawatt combined cycle powerplant. SDG&E subsequently filed a Notice of Intention (NOI) to file an Application for Certification (AFC) with the CEC, which is the primary permitting authority for energy projects. The NOI proposes five southern California sites, two of which (Encina and South San Diego Bay) lie within the coastal zone in San Diego County. The proposed coastal sites require Coastal Commission reports evaluating the coastal zone impacts from the proposed projects. These reports are then considered by the CEC, which must find that the coastal sites have greater relative merit than inland sites before the coastal sites may be approved.

In September, the Coastal Commission approved staff's proposed reports on the impacts of locating the plant sites at either of the coastal zone sites and passed them on to the CEC for consideration. (See CRLR Vol. 10, No. 4 (Fall 1990) pp. 151-52 for background information.) These reports were generally unfavorable toward the coastal sites and recommended against a coastal siting. SDG&E officials have indicated that the siting process for this larger powerplant is not seriously affected by the possibility of a SDG&E-SCE merger. The early planning stages for the plant are continuing; however, the 1995 construction schedule has been postponed to 1998.

Monterey Bay National Marine Sanctuary. On October 10, the Commission received a staff informational report and entertained discussion regarding the National Oceanic and Atmospheric Administration's (NOAA) Draft Environmental Impact Statement and Management Plan (DEIS/MP) for the proposed Monterey Bay National Marine Sanctuary. The creation of the sanctuary is congressionally mandated; however, the designation of actual boundaries, total area, and level of protection remains uncertain and is the object of considerable debate. The DEIS/MP had been stalled for several months pending a Presidential statement regarding the fate of offshore oil leasing within the sanctuary.

In June 1990, President Bush indicated that oil drilling in the sanctuary will be prohibited. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 151 for background information.) This position makes the determination of boundary lines crucial, and the seven proposed boundary alternatives under consideration range from 460 to 3,800 square nautical miles. The largest two alternatives would link the Monterey Sanctuary with the Gulf of Farallones National Marine Sanctuary and could prevent any future oil drilling in the area. The smallest alternative would restrict protection to the nearshore resources, primarily within the three-mile limit for state waters. NOAA's preferred alternative, and the subject of the DEIS/MP, encompasses 2,200 square nautical miles and includes coastal and marine resources ranging from Pescadero Point to Big Sur.

After considerable testimony, the Commission approved the staff report, which emphasized several key concerns regarding boundary and access issues. Notably, staff recommended that large-vessel traffic through the sanctuary be prohibited, with exclusions for U.S. military and existing commercial activity. Existing shipping lanes would be rerouted to avoid ecologically sensitive areas. Staff also recommended that all of Oil Lease Sale Area 119, potentially in the north portion of the sanctuary, be included within the boundary and that all options for the northern boundary be made equally available for study. The report included a statement requiring that any estimated buffer zone for activity outside the reserve be included within the sanctuary boundaries.

Congress Bans Offshore Drilling for One Year. On October 27, U.S. House of Representatives and Senate conferees approved a one-year ban on oil lease sales for areas off the California coast not protected by moratorium declared by President Bush in June 1990. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 151 for background information.) A proposal to reverse the moratorium was subsequently defeated. An amendment to the House defense appropriations bill (sponsored by Senator Frank Murkowski of Alaska) would have required President Bush to submit an emergency action plan for reducing U.S. oil imports whenever the nation imports more than half of its oil. The United States currently imports 49.9% of its oil. This proposed amendment was easily defeated by a House-Senate conference committee.

Sea Otter Relocation Project. At its November meeting, the Coastal Commission heard and discussed the Third Annual Report on the Southern Sea Otter Translocation Program. (See CRLR Vol. 9, No. 4 (Fall 1989) pp. 115-16 and Vol.

9, No. 3 (Summer 1989) pp. 108-09 for background information.) The report summarizes the most current information on the status of translocated sea otters at San Nicolas Island.

The Coastal Commission originally approved the U.S. Fish and Wildlife Service's (USFWS) translocation experiment in July 1987. The program was designed to establish an experimental population of the threatened southern sea otter at San Nicolas Island, one of the southern California Channel Islands, located approximately 70 miles west of Los Angeles in Ventura County. At present, the main population of this otter, which was driven to near extinction by fur trading at the turn of the century, is located along a 200-mile stretch of the Monterey Peninsula. State and federal officials fear that the entire species could be decimated by a single oil spill in the region. The program is attempting to establish (1) a colony of otters on the island; (2) a translocation zone extending to the waters directly surrounding the island in which the otters may navigate freely; and (3) a management zone emanating from the translocation zone in which any translocated otters found would be returned to the island. This management zone includes all coastal land from Point Concepcion to the southern U.S. border.

In 1987, the Coastal Commission concurred with the state Fish and Game Commission in allowing USFWS to move up to 250 otters to San Nicolas Island over a five-year period, with no more than 70 in any one year. The Service must report back to the Commission annually.

In its most recent report, USFWS concluded that the project has been a success thus far. The Service believes it has traced a pattern of stability in the developing colony, since the population has remained steady at approximately 15 otters since 1989. The Service has also noted an increase in otter births on the island, with one pup successfully weaned.

However, concerns over the number of otter deaths were raised by the Commission and by members of the public. Of the 138 sea otters translocated from the mainland colony to San Nicolas Island since 1987, only 15 (11%) have been sighted at the island. Forty-two others have been accounted for either from sightings on the mainland or from known or suspected death. The whereabouts of 81 (58%) of the translocated otters are unknown. While conceding these losses are higher than originally anticipated, USFWS feels the numbers are within an acceptable range, and are comparable to those found by similar projects in other states.

At the Commission's November meeting, Steven L. Rebuck, a representative of a group known as Save Our Shellfish (SOS), attempted to refute USFWS' claims of success and asked the Commission to reconsider its position on the project. Mr. Rebuck called the program a failure on several grounds. He argued that the relocation project's planning and implementation are inadequate, stating that USFWS has not acquired proper equipment or properly trained its personnel for this effort. He also objected to the technique used in the relocation, which he characterized as simply taking pregnant animals from the mainland colony to the island to give birth. Mr. Rebuck stated that the Commission has been given outdated and incorrect information by USFWS, and that lobster harvesters have sighted no otters on the island. SOS further claimed that USFWS' Sea Otter Recovery Team, which reversed an August 1990 decision of the state Fish and Game Commission to withhold support for the relocation project (see CRLR Vol. 10, No. 4 (Fall 1990) p. 157 for details), has ceased keeping minutes of its meetings, after SOS used its prior minutes in testimony before the Fish and Game Commission. The state's commercial fishing lobby is also greatly concerned that the introduction of otters to the waters of southern California will result in a reduction of available shellfish, which is the diet of sea otters, thus putting harvesters out of work.

Also speaking at the Coastal Commission's November meeting was Locky Brown, who spoke on behalf of the Greater Los Angeles Council of Divers and the Channel Islands Council of Divers. Mr. Brown also expressed doubt about the success of the translocation project, citing the lack of reports of otters on San Nicolas Island by anyone other than USFWS officials and the high number of actual and estimated deaths. Both divers' councils believe USFWS should set new goals for the project, establish a management and containment program within the otters' present range, and create a northern boundary beyond which the otters are not permitted.

Several of the Commissioners expressed concern about the large number of otters dead or unaccounted for. The project was approved in 1987 by a 7-5 vote, after a long and heated debate. Commissioner Franco said he had originally voted for the program because the Commission was told the otter population would be decimated in the event of an accident near the mainland colony; however, he now views the relocation effort as killing off an equally large number of animals.

Commission Vice-Chair Steve MacElvaine asked staff what the Commission could do to modify the USFWS program. Staff members responded that the Commission originally agreed to a five-year plan to be implemented and continued by USFWS unless the project meets one of five criteria established with the consistency determination. According to USFWS and the Commission staff, none of the criterion have been met, so the project cannot be considered a failure. One of the criteria states that the relocation effort will be deemed a failure and discontinued if fewer than 25 otters remain after three years and reasons for loss cannot be identified and/or remedied. While the current colony on San Nicolas Island consists of only 15 otters, other provisions provide that the project will not be terminated if the colony is reproducing and the movement of otters into the no-otter management zone is acceptably low. USFWS claims that six pups have been born on the island in the last two years, and that dispersal of otters from the island to the management zone is minimal.

Staff concluded that because the criteria for failure have not been met, the program must continue as planned and the Commission has no authority to intervene. Several Commissioners were not content with that conclusion. Commissioner Malcolm expressed his dissatisfaction with the current status of the project, stating that it is not in accord with the original intent of the Commission. Commissioner Cervantes suggested that the Commission request USFWS to conduct a one-year "hands-off" study, to see if the population is actually stabilizing without the relocation of new otters. The Commission ultimately directed staff to draft a resolution which would adequately address the Commission's concerns and which would be in line with the original consistency determination.

At its December meeting, the Commission heard and adopted the draft produced by staff. This resolution requests that USFWS (1) delay moving any more sea otters to San Nicolas Island for at least twelve months; (2) delay moving any more sea otters to San Nicolas Island until counts indicate that the central coast population is growing again; and (3) report back to the Commission within six months.

Office Move. The California Coastal Commission has moved its offices to 45 Fremont, Suites 1900 and 2000, San

Francisco, California 94105-2219. The Commission's phone number has been changed to (415) 904-5200 for both voice and TDD calls.

LEGISLATION:

AB 10 (Hauser), as introduced December 3, would prohibit the State Lands Commission, until January 1, 1995, from leasing for oil and gas purposes all state-owned tide and submerged lands situated in Mendocino and Humboldt counties. This bill is pending in the Assembly Natural Resources Committee.

AB 72 (Cortese), as introduced December 3, would enact the California Park, Recreation, and Wildlife Enhancement Act of 1992, which would authorize the issuance of bonds in the amount of $928 million for purposes of financing a specified program for the acquisition, development, rehabilitation, or restoration of real property for wildlife, park, beach, recreation, coastal, historic, and museum purposes. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

SB 7 (Keene), as amended December 4, amends the Lempert-Keene-Seastrand Oil Spill Prevention and Recovery Act (see CRLR Vol. 10, No. 4 (Fall 1990) p. 153 for background information) to require, until July 1, 1991, every person owning crude oil or petroleum products, at the time they are received at a marine terminal within the state or outside the state, to pay a fee for oil prevention and administration for each barrel of oil received that has travelled through state waters. The owner of the oil, rather than the marine terminal operator, is required to pay the fee upon arrival at the terminal. The bill also requires every operator of a pipeline to pay a similar fee for every barrel of crude oil originating from a production facility in marine waters and transported in the state by means of a pipeline operating across, under, or through state waters. This urgency bill was passed by the legislature and signed by the Governor on December 13 (Chapter 10, Statutes of 1991).

LITIGATION:

In a controversial 5-4 vote at its September 1990 meeting, the Commission approved a Caltrans/City of San Diego permit application for the widening of Interstate 5 and 805 and the creation of State Route 56 near Del Mar. (See CRLR Vol. 10, No. 4 (Fall 1990) pp. 152-53 for background information.) On October 15, the Sierra Club filed a lawsuit in San Diego County Superior Court to block the project and set aside the Coastal Commission permit for the project. Sierra Club alleges that the Coastal Commission violated the Coastal Act by failing to pursue a less environmentally damaging alternative, and that the Commission should have required a greater mitigation ratio for wetland areas that will be lost to the project (the Commission approved the project with lower mitigation ratios than it has historically required). The $160 million project has received considerable opposition from area residents and environmental groups which claim that the loss of coastal wetlands acreage and related habitats from the project is excessive.

On November 8, Earth Island Institute, a San Francisco-based environmental group, filed suit in U.S. District Court for the Southern District of California against Southern California Edison Company (SCE), alleging that SCE's operation of the San Onofre Nuclear Generating Station violates the federal Clean Water Act. Earth Island's claims are primarily based on a fifteen-year, $46 million study which was ordered by the Coastal Commission and financed completely by SCE; the study found that the operation of the San Onofre plant kills tons of fish and kelp each year. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 115 for background information.) Federal law requires SCE to obtain a permit to operate San Onofre from both the state Water Resources Control Board and the California Coastal Commission; Earth Island contends that operation of the plant in such a way as to kill marine life technically violates the water board's permit. The suit demands that SCE either fix the plant's cooling system, which the study found to be responsible for most of the fish and kelp kills, or close the plant.

RECENT MEETINGS:

At its October meeting, the Commission found itself unable to act on a permit application because the land may have been subject to an implied dedication for public access. The applicant, Pacific Coast Highway Partners, proposed to build a single-family dwelling on a Pacific Coast Highway lot near Malibu and adjacent to Las Tunas State Beach. The property was abandoned in the 1950s and has since been continuously used by the public for coastal access and parking. Because public use on the property occurred without objection for more than five years, it is possible that the state may have acquired prescriptive rights to the entire property.

In 1976, the state Attorney General's Office was authorized to take whatever action necessary to determine the nature and extent of an implied public easement on this and five other properties in the area. After the other five properties were acquired by the state, the investigation was suspended, presumably due to reallocation of personnel resources. Due to the unsettled status of the implied dedication issue, Commission staff, counsel, and the Attorney General's office all recommended denial of the permit application until title is quieted on the land. Approval of the application may violate section 30211 of the Coastal Act, which prohibits a denial of public access where there are possibly vested public access rights. Nevertheless, the Commission refused to deny the permit and instead postponed consideration of the item with the consent of the applicant until the November meeting. At the November meeting, the Commission voted 9-0 to grant the permit subject to a permanent five-foot access easement belonging to the state.

The South Coast District Director's Report presented at the Commission's November 13 meeting included a reply letter from the Disney Development Company regarding a future "Port Disney" theme park in the Port of Long Beach. Following a June 19, 1990 preapplication meeting with Disney staff and the U.S. Army Corps of Engineers, Commission Deputy Director of Ocean and Coastal Resources Tom Crandall provided a summary of his comments to Disney regarding the feasibility of the proposed 403-acre theme park. Despite Mr. Crandall's concerns that the project is not permitted under the Coastal Act, Disney has decided to continue with the project plans and application process. The project is currently under environmental review by the Port of Long Beach. In light of the myriad of existing dredge and fill operations in Long Beach Harbor that are awaiting approval, this project will undoubtedly command considerable attention at future Commission meetings.

On November 13, the Commission authorized the Executive Director to enter into a contract not to exceed $24,000 for a consultant to complete a computerized enforcement tracking system. Pursuant to section 303(2) of the Coastal Zone Management Act, the NOAA is funding the task as a significant improvement to the California Coastal Management Program. The project is designed to streamline and improve the efficiency of the Commission's enforcement program through use of a computer module built directly from permit application and appeal segments. Commission staff expects an enhanced

ability to identify and track unpermitted activity, repeat violators, and violations of permit conditions. These activities are currently handled via cumbersome paperwork, which hinders staff from effectively resolving all cases. The project will be developed in 1991, with implementation and on-line training for staff projected for September 1991.

FUTURE MEETINGS:
April 9-12 in Montecito.
May 7-10 in San Diego.
June 11-14 in San Francisco.
July 16-19 in Huntington Beach.
August 13-16 in Eureka.
September 10-13 in Marina del Rey.
October 8-11 in Monterey.

DEPARTMENT OF FISH AND GAME

Director: Pete Bontadelli
(916) 445-3531

The Department of Fish and Game (DFG), created pursuant to Fish and Game Code section 700 *et seq.*, manages California's fish and wildlife resources (both animal and plant). Created in 1951 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.

The Fish and Game Commission (FGC), created in section 20 of Article IV of the California Constitution, is the policymaking board of 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.* These regulations concern the taking and possession of birds, mammals, amphibians, reptiles, and fish. Each member is appointed to a six-year term. FGC's regulations are codified in Division 1, Title 14 of the California Code of Regulations (CCR).

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 506,062 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.

MAJOR PROJECTS:

1990-91 Mammal Hunting and Trapping Regulations Adopted. At its November 9 meeting, FGC adopted sections 461-79, Title 14 of the CCR. These regulations relate to the hunting and trapping of six furbearing mammals (mink, gray fox, raccoon, beaver, badger, and muskrat) and seven nongame mammals (bobcat, coyote, opossum, striped and spotted skunks, long-tailed weasel, and ermine). (See CRLR Vol. 10, No. 4 (Fall 1990) p. 154 and Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 180 for background information.) DFG's third environmental document on the proposed regulations reflected the need for improved traps in the ranges of two endangered species—the Sierra Nevada red fox and the San Joaquin kit fox. Thus, FGC adopted emergency amendments to section 465.5 requiring immediate compliance with improved trap requirements in the two ranges.

Sections 353 and 354, which regulate black bear hunting with firearms, were upheld by the Sacramento County Superior Court and approved by the Office of Administrative Law (OAL) on October 15. Section 366, which regulated black bear hunting with archery equipment, was repealed on October 15 pursuant to court order. (*See infra* LITIGATION; *see also* CRLR Vol. 10, No. 4 (Fall 1990) pp. 154 and 156 for background information.)

Sections 251.5, 265, and 402, Title 14 of the CCR, which pertain to mountain lion hunting and pursuit, are in the process of being amended or repealed by FGC pursuant to Proposition 117. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) p. 180 for background information.) Written comments on these proposed regulatory changes were due by February 1.

Office of Oil Spill Prevention and Response Created. Pursuant to SB 2040 (Keene) (Chapter 1248, Statutes of 1990), DFG's new Office of Oil Spill Prevention and Response (OSPR) is responsible for establishing a state oil spill contingency plan to prevent and respond to oil spills. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 155 for background information.) The legislation provides a $100 million fund to administer the program and respond to oil spills in the ocean off California. A tax assessed on the transport of oil provides $50 million of the funding for OSPR (*see infra* LEGISLATION), and an additional $50 million is available to OSPR through bonds.

The legislation requires the Governor to appoint an Administrator for OSPR, and vests the Administrator with responsibility for directing the prevention, removal, mitigation, and clean-up with regard to any oil spill off the coast of California. He/she is charged with studying the methods used to respond to an oil spill, including the use and effects of dispersants, incineration, and bioremediation on oil, the physical environment, and wildlife. The Administrator is also authorized to adopt regulations to promote safety in oil transportation. Currently, Ed Willis, DFG's Assistant Director of Administration for the last eight years, is OSPR's acting Deputy Administrator. He is in the process of setting up the procedures and organization of the new office.

There are two sections within OSPR: prevention and response. The prevention section, which will be composed of biologists, chemists, engineers, law enforcement personnel, and DFG employees, will inspect marine facilities, draft regulations to govern oil transport, establish laboratories for oil and chemical analysis, and establish a wildlife rehabilitation facility. Because of the state's size, satellite stations and contracts with private industry may be used to rescue and treat wildlife. In the response section, a staff of biologists, law enforcement personnel, and DFG employees will respond to oil spills with planned mitigation measures, including the dispersal of oil and the rescue of "oiled" wildlife.

Regulations Proposed to Protect Sacramento River Winter-Run Chinook Salmon. Based on recommendations made by the National Marine Fisheries Service, the Pacific Fishery Manage-