



Management Board, No. C730900, the court ruled that Lopez Canyon (which is operated by the City of Los Angeles) is instead required to comply with a July 21, 1989 order issued by the Los Angeles County Department of Health Services (the LEA), which in turn requires Lopez Canyon to comply with recommendations contained in a 1983 engineering study.

At the same time, the court ordered CIWMB to vacate its July 14, 1989 decision to concur in a modified permit for Lopez Canyon; the modified permit was essentially the same as the original 1978 permit. At its April meeting, the Board voted to vacate its July 1989 decision, in compliance with the court order.

The court also directed the Board to use the 1983 engineering report as a basis for negotiating in a new operating permit for Lopez Canyon. The LEA, Board staff, and the City of Los Angeles are working on a new permit, in order to avoid further litigation. In his March report to CIWMB, Richard Hanson, Director of the Solid Waste Management Program, County of Los Angeles Department of Health (LEA), stated that the LEA has submitted a draft proposed permit to Board staff for preliminary review. Because the proposed permit calls for an expansion of the landfill described in the 1978 permit, California Environmental Quality Act (CEQA) review is required. Mr. Hanson reported that the LEA, along with other agencies, is preparing the CEQA documentation. As part of that effort, the LEA has begun an initial study to determine the possible significant effects of the proposed expansion on the environment.

However, additional litigation addressing operation at Lopez is pending. In February, citizens living next to Lopez Canyon filed suit against the City in Los Angeles County Superior Court. The citizens claim that the purpose of the suit is to force the City to comply with the court's September 26 decision. However, there is disagreement regarding the precise terms of the September 26 decision, particularly concerning fill height. Los Angeles Deputy City Attorney Christopher Westoff claims that the decision allows the City to operate Lopez pursuant to the LEA's July 21 order, which specifies that fills may be as high as 1,770 feet. The citizens claim that the decision limits the height of fills at Lopez to 1,725 feet. The citizens also contend that city surveyors recently measured the height of fills at Lopez, and found some fills were as high as 1,770 feet without cover. The citizens also claim that the City is beginning to

dump in areas at Lopez without authority via permit or court order. The City claims that it is dumping only in areas included in the 1978 permit, but admits that it plans to include an expansion area in its permit application.

These issues promise to be debated for sometime, because Lopez takes in the bulk of Los Angeles' solid waste, and because citizens are outraged that the City, county (LEA), and CWMB failed to comply with state-mandated permitting process between 1983 and 1989. The City is considering a new site, located east of Los Angeles near Magic Mountain, to eventually replace Lopez Canyon. However, the City is already encountering strong opposition from citizens.

Oral argument in the citizens' case was set for April 20; however, prior to the hearing, the City negotiated a settlement with the citizens' group. The group is holding the lawsuit in abeyance.

RECENT MEETINGS:

At its January 24-26 meeting, the Board review staff's draft report on Used Oil Recycling in 1988. The report concluded that despite efforts under Article 13, Chapter 6.5, Division 20 of the Health and Safety Code to increase control over used oil, large amounts of used oil continue to be disposed of illegally. On the other hand, the report showed that the intent of SB 86 (Presley), enacted in 1986, is being realized and that programs developed by the Board and local governments have helped to increase used oil collection and recycling. The report enthusiastically endorsed SB 86 as a model law for the entire nation to embrace.

At the Board's March 22-23 meeting, staff presented its report on California's recycling markets for the period July-December 1989. Given the recent reports of the landfilling of glass collected for recycling, the report dealt at length with the market for recycled glass. The report noted that the market prices for glass were down slightly during both third and fourth quarters. The report attributed the decline primarily to widespread problems with marketing of two- and three-color mixed glass.

Glass containers are manufactured in three colors: green, amber, and flint. To achieve one of the three colors, only small percentages of the other two colors can be used in the manufacturing process. Most waste glass arrives at a certified processor mixed. Because the waste glass is mixed, only a small portion of the glass can be used in the manufacture/processing of one of the three

colors of glass containers. Therefore, most of the mixed-color waste glass cannot be recycled as glass containers.

One solution is to encourage color-sorting through a tiered price system which pays collectors more for color-sorted waste glass. The sorting process may also help spot and remove contaminants. (Glass is also rejected by processors because of the presence of contaminants.) Another solution is the production of "ecology glass", which uses a very high percentage of mixed color waste glass. The appearance of ecology glass varies from batch to batch, depending on the color-composition of the waste glass. Shades include variations of yellow, green, brown, and gray-black. While the glass industry maintains that ecology glass is not as aesthetically pleasing as pure-color glass and will not sell, the report states there is reason to believe it could be a marketable product. At CIWMB's April 18-19 meeting, the Board also noted the possibility of using waste glass in the production of cement.

FUTURE MEETINGS:

September 27-28 in Sacramento.

COASTAL COMMISSION

Executive Director: Peter Douglas
Chairperson: Thomas Gwyn
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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,



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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 Chapters 1-11, Division 1.5, Title 14 of the California Code of Regulations (CCR).

MAJOR PROJECTS:

Commission Releases Report on Exxon Valdez Disaster. At the Commission's February meeting, staff presented a comprehensive analysis of the March 24, 1989 Exxon Valdez oil spill in Prince William Sound, Alaska. Coming less than a week after the American Trader spill near Huntington Beach, the report again focused atten-

tion on the troubling issue of offshore oil drilling, which has occupied the Commission since its creation. The report evaluates spill notification, prevention, response, and restoration issues for California which have been identified as a result of the Alaska spill, and makes a number of recommendations designed to reduce the likelihood and damage of future spills.

To help prevent spills in the future, the report recommends that the Commission continue its long-running effort to convince oil companies to replace the use of tankers for oil transmission with underground pipelines. Where tankers continue to be used, the report calls for federal legislation requiring that they be constructed with double hulls, as well as increased federal funding for offshore vessel navigation services. In addition, the report recommends stricter standards for the construction and inspection of offshore oil platforms. Finally, it is suggested that state officials lobby Congress and the Bush administration for a national energy policy emphasizing energy conservation and the use of alternative sources of energy.

To reduce the damage likely to be caused by spills, the report recommends that the Commission require oil companies to submit an analysis of every oil project to be undertaken within the coastal zone. The analysis would include an evaluation of the project's ability to contain, recover, store, offload, and dispose of spilled oil. Special emphasis would be placed upon notification procedures and availability of qualified support personnel. In addition, the report recommends that rehabilitation facilities be set up to treat oiled seabirds, sea otters, and other marine life. Finally, the report recommends the creation and upkeep of comprehensive contingency plans to mitigate the economic effects of a spill, especially in particularly sensitive areas.

At the February meeting, the Commission directed staff to revise its recommendations regarding spill prevention and response capability for presentation at the Commission's May meeting. The Commission's discussion of staff's revised recommendations was subsequently postponed until the Commission's June meeting.

British Petroleum American Trader Spill Highlights California Response Capability. Coastal Commission staff recently presented a report on state, local, and private response to the February 7 spill of 6,000 barrels of crude oil near Huntington Beach. While the performance of available staff and

equipment and the coordination of the effort were regarded as adequate, the overall efforts were labeled unsatisfactory due to the limited resources previously allocated for oil spill response in California.

Public reaction to the spill within California was angry and immediate. Legislation was introduced that would double civil fines for some oil spills and create a state oil spill clean-up fund. (See *infra* LEGISLATION.) Environmental activists accelerated their efforts to place the Environmental Protection Initiative of 1990 on the November ballot. The initiative, which has now qualified as Proposition 128, would require oil transporters to have approved clean-up plans in place before bringing oil into state waters.

Federal response to the accident has been limited to date. A spokesperson for President Bush has indicated that the incident will not influence his decision on drilling off the California coast. (See *infra* for further discussion.) Moreover, the state's environmental protection officer in charge of the clean-up of the American Trader spill has accused British Petroleum of both dragging its feet in responding to the spill and exaggerating its efforts in statements to the media. Perhaps the best analysis of the accident was provided by Commission spokesperson Jack Liebster: "It certainly is a timely warning."

Offshore Oil Drilling Update. On January 4, the Presidential Task Force issued its report on the effects of oil exploration and development in federal waters off the California coast. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 135; Vol. 9, No. 4 (Fall 1989) p. 100; and Vol. 9, No. 1 (Winter 1989) p. 89 for background information.) While the report has not been made public, the Executive Director of the Task Force has indicated that it presents several alternatives for the eventual sale of tracts off the coasts of northern (Lease Sale 91) and southern California (Lease Sale 95). A permanent ban on offshore oil drilling was not suggested in the report. At this writing, President Bush has not revealed his decision; it is believed that the President will wait to act upon the recommendations until after elections this fall.

The study was conducted over the past year at a cost of about \$1 million. The Coastal Commission, in hearings before the Task Force, has reiterated its formal opposition to the proposed lease sales.

Critics of the report question the impartiality of the Task Force. Many believe that the testimony of a number



of federal officials was abruptly cancelled this summer because they had information which would have been threatening to the U.S. Department of the Interior's pro-drilling position. In addition, the location of some of the hearings was unexpectedly changed in an apparent attempt to discourage public participation. Also cited are increasingly strong pro-drilling statements made by Interior Secretary Manuel Lujan, a member of the Task Force.

There is currently no exploratory drilling activity off the coast of California. Congress has imposed a one-year ban on any new activity, which will terminate on September 30, 1990.

On April 23, the Interior Department announced a new policy, under which each coastal area considered for new lease sales would be examined individually for potential environmental hazards posed by drilling activities. The proposal also provides that a share of the federal revenues derived from oil leasing would go to coastal communities near drilling sites. Although the proposal appears to be a departure from the sweeping and politically volatile lease sale program pursued by the Reagan administration, congressional reaction has been cool. Some lawmakers expressed fears that, despite its more moderate tone, the new proposal would not adequately protect coastal waters. They point to the aggressive campaign to promote new drilling pursued by Interior Secretary Lujan over the past year as the basis of their skepticism. The new approach will be included in the Interior Department's Five-Year Plan, which will go into effect when the current plan expires in 1992. Federal law requires that the states involved in oil leasing provide comment on each five-year plan. The Commission is the state agency designated to respond for California.

Continued Cuts in Commission Budget Threaten Projects. Despite an ever-increasing workload and increases in inflation over the last eight years, and in the face of recommendations by the Senate Advisory Commission on Cost Control, Governor Deukmejian has not restored previous cuts in the Commission budget in his proposed state budget for 1990-91 fiscal year, which has not been passed at this writing. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 106 for background information.) The cuts have amounted to an overall decrease in funding of 28%, resulting in a reduction of the Commission's staff of 35%. The cuts have forced the Commission to eliminate its technical services staff (which

included support for local communities in the preparation of their local coastal plans), while placing a freeze on all new hiring. The Commission has also been forced to postpone certain environmental workshops, and communication statewide has been severely curtailed. Both gubernatorial candidates seeking to replace Governor Deukmejian have expressed their commitment to financial support of the Commission.

Commission to Review Proposed Sites for Power Plant. San Diego Gas and Electric Company (SDG&E) recently filed a notice of its intention to build a 460-megawatt power facility with the California Energy Commission (CEC). The CEC will review the five sites proposed by SDG&E and ultimately certify construction at one of them. Because two of the sites are located within the coastal zone, the Coastal Commission is required to evaluate and report on the impacts of the projects on coastal areas and make appropriate recommendations. Under the Warren-Alquist State Energy Resources Conservation and Development Act and section 30413 of the Coastal Act, the Coastal Commission may not exercise its permit authority in reviewing the construction of power plants.

Commission Submits Tenth Annual Coastal Access Report. In March, the Commission released a summary of its efforts to comply with the mandate of the Joint Coastal Access Program of 1979, which requires the Commission to coordinate efforts to purchase and maintain public access to coastal areas. Highlights of the program of 1989 included completion of major segments of the California Coastal Trail, Backbone Trail near Malibu, and the South Bay Bicycle Trail in Santa Monica; the purchase of land for public use in San Mateo, Humboldt, Monterey, Sonoma, and Los Angeles counties; and the upgrading and erection of facilities designed to improve public enjoyment and safety. Acquisition of land for public use was funded primarily through voter-approved bond sales, often in conjunction with the Nature Conservancy and the Coastal Conservancy. The Commission also continued to improve public access through regulatory measures such as the Coastal Resources and Energy Assistance Program, and through the Commission's permit authority. Often, the Commission will deny applications for development which might restrict public access to coastal areas, or grant a permit with specific conditions requiring a developer to avoid restricting or even improve public access to coastal areas.

Sea Lion Update. The National Marine Fisheries Service has revised its plan to relocate sea lions from the Ballard Locks areas near Seattle to the Channel Islands National Park off Santa Barbara. (See CRLR Vol. 10, No. 1 (Winter 1990) p. 136 for background information.) The original plan called for the shipment of approximately forty animals, while the scaled-back version involves less than ten individuals. The Coastal Commission took vigorous exception to the original scheme as inconsistent with the state's coastal plan.

The sea lion controversy began in 1984 when a sea lion, nicknamed Herschel by local residents, appeared near the fish ladders near Ballard Locks. But Herschel and his friends quickly lost their charm as they devoured nearly half of the steelhead run in subsequent years. State and federal wildlife officials have tried a number of methods to coax, prod, and frighten the animals out of the area. Loud rock music, the sounds of hunting killer whales, and firecrackers all failed. Arrows with heavy rubber tips shot from crossbows merely provided the sea lions with a new sport. Chemical pellets intended to make the animals sick produced results that were dramatic but temporary. The most ambitious plan to date involved the transportation of the troublesome creatures (all of which are male) several hundred miles south to Oregon, where they were provided with female companionship. Unfortunately for the federal government's pinniped procurers, gluttony won out over lechery in the sea lion scale of values; most of the animals returned to the locks within several weeks.

Washington state wildlife officials warn that they have run out of low-cost, low-risk options, and are considering asking federal permission to exercise the "lethal removal" option. Publicity surrounding that proposal, however, has produced death threats against state officials and it is far from clear that federal approval for such a step will be granted.

Despite the Commission's objections, on March 22, six of the offending animals were relocated to San Miguel Island in what the federal government called an experimental program. Within a month, however, the first of the banished animals reappeared in the Ballard Locks area of Puget Sound, over 1,000 miles north.

LEGISLATION:

AB 2603 (Lempert), as amended April 24, would enact the Oil Spill Prevention and Response Act, including the creation of the Office of Oil Spill Prevention and Response in the



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Resources Agency. This bill is pending in the Senate Judiciary Committee.

SB 1787 (Rosenthal), as amended May 30, would authorize the Commission and local governments with certified local coastal plans to impose an administrative civil fine of up to \$25,000 for a violation of the California Coastal Act, and up to \$10,000 per day for an intentional violation. In addition, the bill would authorize a superior court to impose a civil fine of up to \$50,000 for a violation of the Coastal Act, and up to \$20,000 per day, plus exemplary damages, for an intentional violation. This bill is pending in the Assembly Natural Resources Committee.

SB 1788 (Rosenthal), as amended May 30, would require the Commission to develop and implement a comprehensive enforcement program, including prescribed elements, to ensure that any development in the coastal zone is consistent with the Coastal Act, and to ensure compliance with permits and permit conditions issued by the Commission. The bill would require the Commission to develop and implement a cost recovery system to pay for the costs of administering the enforcement program, consisting of fees charged to violators of the Act for the costs incurred by the Commission in the enforcement process. The bill would prescribe procedures for the imposition and collection of the fees. The bill would create the Coastal Act Enforcement Fund, and provide for the deposit of any fees collected into that fund; and would require the Commission to submit an annual report to the legislature on enforcement of the California Coastal Act of 1976. This bill is pending in the Assembly Natural Resources Committee.

SB 2401 (Marks), as amended May 15, is an urgency appropriations bill which would continuously appropriate funds to the Department of Fish and Game for purposes of investigations and projects directly related to improving the state's command, control, communications, training and practice drills, mapping of sensitive fish and wildlife and their habitat, and assessment and evaluation of natural resources at risk from or damaged by oil spills. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

AB 3748 (Sher), as amended May 15, would direct the Commission and the San Francisco Regional Water Quality Control Board to jointly prepare, in cooperation with various state, federal, regional, and local agencies and other institutions and organizations, a San

Francisco Bay Regional Dredging Plan, as specified, to be submitted to the Governor and legislature by December 31, 1994. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

SB 1796 (Deddeh) has been signed by the Governor (Chapter 168, Statutes of 1990). The bill repeals an existing legislative grant of tidelands and submerged lands to the City of Imperial Beach and grants a described portion of those lands in trust to the San Diego Unified Port District. The bill also authorizes the City to convey specified lands to the Port District, and authorizes the District to retire any outstanding indebtedness which has been incurred by the City of Imperial Beach for the construction or reconstruction of the Imperial Beach pier located on the grant lands.

SB 1955 (McCorquodale), as amended June 4, would include the economic, commercial, and recreational importance of fishing activities as values to be recognized and protected in the planning and regulation of development in the coastal zone pursuant to the Coastal Act of 1976. This bill is pending in the Assembly Ways and Means Committee.

AJR 22 (Farr), as introduced January 22, would memorialize the President and Congress to amend the Submerged Lands Act to extend the ocean boundaries of coastal states from three to twelve geographical miles offshore. This bill is pending in the Senate Governmental Organization Committee.

The following is a status update of bills reported in detail in CRLR Vol. 10, No. 1 (Winter 1990) at page 135:

SB 718 (Rosenthal), would appropriate funds received by the state under the federal Outer Continental Shelf Lands Act to the Secretary of the Environmental Affairs Agency, to be allocated to specified air pollution control districts and air quality management districts to ensure that offshore oil operations conform to federal and state air pollution requirements, is pending in the Assembly Ways and Means suspense file.

AB 1000 (Hayden) was amended on May 16 to require that the state Water Resources Control Board oversee the preparation of specific quality standards for ocean waters. This bill is pending in the Senate Rules Committee.

SB 1499 (Roberti), which would require the Commission to conduct a study of options for disposition of several low- and moderate-income housing units in Orange County, is pending in the Assembly Natural Resources

Committee. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 90 and Vol. 8, No. 4 (Fall 1988) pp. 103-04 for background information on this issue.)

AB 2072 (Friedman) would have required alternate Commission members to be a county supervisor or city councilmember from the same region as the person making the appointment, has been dropped.

AB 36 (Hauser), which would prohibit the State Lands Commission from leasing all state-owned tide and submerged lands situated in Mendocino and Humboldt counties for oil and gas purposes, is still pending in the Senate Governmental Organization Committee.

AB 145 (Costa), which would enact the California Wildlife, Park, Recreation, Coastal, History, and Museum Bond Act of 1990, is pending in the Senate Committee on Bonded Indebtedness and Methods of Finance.

AB 1735 (Friedman) would prohibit a Commission member and any interested person from conducting an ex parte communication, require Commission members to report such communications, and provide that any Commission member who knowingly commits an ex parte communication violation is subject to a civil fine not exceeding \$7,500. This bill is in the Senate inactive file.

RECENT MEETINGS:

At its February 13 meeting, the Commission elected Thomas W. Gwyn as its new chair. In a power play described by environmentalists as at best bizarre and at worst frightening, Gwyn was elected only four days after being appointed to the Commission, in the first hour of the first Commission meeting he ever attended. Deukmejian appointee Steve MacElvaine was nominated and elected with Gwyn. The decision is seen as a victory for what is generally regarded as the pro-development faction of the Commission, defeating long-time Commissioner Mary Lou Howard by a 7-4 vote. The move may also imperil present Commission Executive Director Peter Douglas, who has been in disfavor with the pro-development faction since his selection in 1985.

At the Commission's January meeting, the pro-development faction was unable to muster enough votes to install David Malcolm, despite extensive behind-the-scenes lobbying. The election of Gwyn may allow Malcolm, Mark Nathanson, Steve MacElvaine, Dorrill Wright, and Donald McInnis to gain more influence in the director of the Commission.



The votes were cast following the defeat of a motion to table the voting until the March meeting to allow time for the commissioners to get to know Mr. Gwyn and investigate his background. Very little is known about the environmental stance of the new chair; his appointment by Assembly Speaker Willie Brown to the Commission was a surprise. (See *infra* report on LEAGUE FOR COASTAL PROTECTION for related information.)

On April 11, the Commission unanimously approved a proposal by the federal government to build a two-mile, twelve-foot-wide stretch of sewer pipe in San Diego County. The \$36 million project will eventually become part of a \$200 million effort to divert the twelve million gallons of untreated sewage which flow into San Diego County from Mexico each day. Commission staff, along with environmental groups, opposed the project, pointing out that the pipe itself will be ineffective without treatment and disposal facilities at its east and west ends, and that the environmental impacts of the eventual construction of these facilities has not yet been evaluated.

Also on April 11 in closed session, the Commission decided to file an *amicus curiae* brief in support of legal efforts to block the construction of Marina Place, a major Culver City shopping center. A similar decision had been reached at the Commission's March meeting, but the issue was discussed again in April following allegations that public notice was not given of the March discussion, in violation of the Bagley-Keene Open Meeting Act. Commissioner Mark Nathanson, the most vocal opponent of the project, is believed to have financial ties with a developer who is planning an office complex in the immediate vicinity. Commissioners have also expressed concern over the impact of increased traffic upon public access to nearby coastal areas.

FUTURE MEETINGS:

September 11-14 in Marina del Rey.
October 9-12 in Monterey.
November 13-16 in Marina del Rey.

DEPARTMENT OF FISH AND GAME

Director: Pete Bontadelli
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The Department of Fish and Game (DFG), created pursuant to Fish and Game Code section 700 *et seq.*, man-

ages California's fish and wildlife resources. 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 Fish and Game Code section 101 *et seq.*, is the policymaking board of DFG. The five-member body promulgates policies and regulations consistent with the powers and obligations conferred by state legislation. 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:

1989 Annual Report on the Status of California's Listed Threatened and Endangered Species. In March, DFG

submitted to FGC its fourth annual status report on the progress of state-listed threatened and endangered plants and animals. The report provided some alarming statistics. Seventy-one percent of the state's listed endangered and threatened species are continuing to decline and, according to the report, "...there is no certainty they will survive for long." The remainder of California's listed species is stable but not necessarily safe or increasing. The report rests the blame for these staggering statistics on destruction and degradation of endangered species habitat through direct and indirect human impacts. (See *supra* FEATURE ARTICLE for detailed background information on this topic.)

The report states that DFG and FGC must "redouble our commitment if we are to preserve our rich natural heritage—the flora and fauna of California." The report recommends fourteen measures for reducing the declining numbers and protecting California's natural diversity, including the need to increase habitat acquisition; increase environmental review capabilities of agencies; accelerate the process for listing species; expand the scope of the California Endangered Species Act; review and strengthen protective laws and regulations; and develop incentive programs for landowners, developers, and the public in general to encourage habitat protection.

The Commission adopted the report at its May 18 meeting in San Luis Obispo. While the Commission addressed the topic, it refused to discuss the declining 71% of listed species and instead focused solely on the more positive topic of the stable and increasing 25%. The Commission also failed to discuss implementation of any of the fourteen protective measures set forth in DFG's status report. No new action is pending on the plight of 71% of California's listed threatened and endangered species, which are now declining toward extinction.

Response To Little Hoover Commission Report. At its May 18 meeting, FGC finally responded to some of the criticisms raised in the January 1990 Little Hoover Commission report. (See CRLR Vol. 10, No. 1 (Winter 1990) pp. 38-41 and 137 for detailed background information on this report.) The Commission intends to try to rectify some of the criticisms mentioned in the report through a budgetary overhaul proposal.

The objectives of this overhaul are to: (1) ensure there is sufficient funding to facilitate the personnel and equipment needed for enforcement measures; this