

STAFF SUMMARY FOR JUNE 24-25, 2020

3. EXECUTIVE DIRECTOR'S REPORT**Today's Item****Information** ☒**Action** ☐

Receive the executive director's report, including an update on COVID-19 pandemic response, the state budget, staffing, and legislation.

Summary of Previous/Future Actions (N/A)**Background**

Unprecedented. Challenging. Uncertain. Difficult. Extraordinary. Unparalleled. Tough. All words in daily use as we continue our work in the midst of a global pandemic and social change. It was difficult to even begin putting words to virtual paper in preparing this report given how much FGC staff has experienced, anticipated, adapted and grown in the last couple of months, and yet how much more we have to learn, understand, build and transform.

As an institution that has evolved over 150 years, through world wars, prior pandemics and social turmoil, how will we unfold over the next 5, 20, 100 years? The organization will change, but in what ways, and how will we proactively contribute to the broader and greater good? At the moment staff is listening, exploring and educating ourselves. We are asking why and why not? Inequity in access exists on many levels, but how do we increase access to California's invaluable fish and wildlife resources? Finding solutions necessarily requires inclusion, collaboration, transparency, and integrity, all elements of our core values. We have committed staff, commissioners and stakeholders; now we need to reach out and connect with those who are not yet connected and ask why.

These are indeed unprecedented, challenging, uncertain, difficult, extraordinary, unparalleled and tough times; *often those are also times of greatest opportunity.*

Today's report contains seven elements:

- [COVID-19 Pandemic Response](#)
- [State Budget](#)
- [Staffing](#)
- [Public Engagement](#)
- [Thinking Strategically about the Future](#)
- [California Law Revision Commission](#)
- [Legislative Matters](#)

COVID-19 Pandemic Response

The adaptable mindset that has been sharpened in recent years as FGC staff faced and managed a number of significant changes in leadership and staffing served us well when the pandemic hit in Mar 2020. Like other government agencies, FGC staff has quickly adjusted its operations for the new normal. I am incredibly proud of how FGC staff stepped up to the

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challenges of the last few months, going above and beyond and continuing to adapt to new ways of doing business.

COVID-19 and the ensuing economic crisis have significantly diverted staff attention from normal workload due to a number of changes, including high-priority requests and guidance from other state agencies (i.e., California Department of Human Resources, California Department of Public Health, California Department of Finance, California Natural Resources Agency), information-gathering, lost efficiencies from teleworking, ensuring ergonomically-sound home offices, and the recent COVID-19 contact tracing reassignment.

Over the past three months, staff has continued to adapt its work to achieve FGC's mission in the midst of the global pandemic. Since mid-March, staff in eight of FGC's ten positions, plus our Sea Grant fellow and legal counsel, are mostly teleworking under emergency agreements that outline expectations for work products and communication. Two staff are in the office most days to ensure we cover critical or essential tasks that must be done in the office and to keep it open during normal business hours (8:00 am – 5:00 pm); recent protests led to a couple of days of closures.

Your executive director and deputy executive director are active members of the California Natural Resources Agency (CNRA) COVID-19 task force composed of CNRA staff and the directors and deputies from the various state natural resource departments, boards, commissions and conservancies. The task force is currently meeting weekly to share information and discuss ways to assist in addressing the pandemic.

Stay-at-Home Modification Plan

In May, at the request of the California Department of Human Resources, staff developed and submitted a "stay-at-home modification plan" for moving into Phase 2 of California's recovery from COVID-19. CalHR asked agencies statewide to develop plans to safely accomplish their missions and fully re-open any services that had been temporarily closed. The Newsom Administration has shared its goal of having at least 75% of staff who are currently teleworking continue to do so until the end of stay-at-home orders or until a vaccine is approved. Since 80% of FGC staff has been teleworking and the FGC office has remained mostly open, FGC operations will largely remain the same in this next phase, though at reduced capacity (discussed more under staffing). The modification plan includes measures for ensuring physical distancing for those who are in the office, and other practices to keep staff, commissioners, and visitors safe.

Safety at the FGC Office

Related to the modification plan, in early June the California Department of Public Health released updated guidance to reduce the risk of COVID-19 in California state facilities, which includes self-health checks for staff prior to coming into the office, access to sanitizing supplies, use of face coverings, and physical distancing. Most of the updated guidance had been implemented already at the FGC office. In addition, individual staff members have been identified as belonging to one of two subgroups and there is never overlap between the two when staff is in the office; this strategy is intended to help prevent any illness from spreading throughout the entire team or between employees who are back-ups to one another.

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Statewide Contact Tracing and Public Awareness

In the ongoing effort to mitigate the spread of COVID-19, Governor Newsom launched California Connected (californiaconnected.ca.gov), the state's comprehensive contact tracing program and public awareness campaign. Contact tracing requires a core group of carefully trained people to connect by phone with individuals who are COVID-19 positive to help them obtain medical care and determine who they might have exposed without knowing it so that those individuals can be contacted as well; the goal is to help slow the spread of the virus and prevent outbreaks. The state needs an estimated 10,000 contact tracers to safely move through the stages of reopening. In late May, the governor directed state agencies to identify at least 5% of their staffs to be redirected to COVID-19 response efforts as contact tracers on a full-time basis for the next six to nine months; as of mid-June, just over 3,000 state employees had been identified for the assignment.

Meeting Venues and Formats

Holding virtual FGC, committee and collaboration meetings reflects just one of many operational changes staff has made due to COVID-19. FGC staff recognizes that the public safety concerns associated with COVID-19 will likely continue into 2021. Budget constraints and associated travel restrictions are expected to continue through the upcoming fiscal year (Jul 2020 – Jun 2021), creating additional uncertainty. Staff anticipates that FGC will need to meet remotely via webinar/teleconference through at least the remainder of the calendar year, as discussed under Agenda Item 17, meeting dates and locations. We will continue to refine and improve meeting processes as we learn and become more familiar with the multiple technological platforms available for virtual meetings. While there will be savings from not using meeting venues, hotel sleeping rooms, and travel, those funds are necessary now for increased technology costs, expenses for home office equipment, and sanitation supplies.

State Budget

The COVID-19 pandemic has resulted in sudden and severely negative economic consequences for California, which has significant implications for the state's budget and, in turn, local governments. The Legislative Analyst's Office (LAO) has estimated that the fiscal challenges we are facing are "...unlikely to dissipate quickly and will extend well beyond the end of the public health crisis." Under two different economic scenarios, LAO estimates that the budget deficits will persist until at least 2023-24, another three years.

In approaching the 2020-21 budget problem, the governor and legislature have used a mix of tools to address what is projected to be an over \$50 billion deficit, including using reserves, reducing expenditures, increasing revenues, and shifting costs. The governor and legislature have conveyed that the 2020-21 budget will experience further revisions throughout the summer to adjust for updated revenue projections, primarily income tax receipts that will be received by Jul 15 or potential federal assistance. Given projections for the budget deficits, it is possible additional, sizable reductions will be necessary for major state programs.

Currently there are at least four budget-related actions that are or will directly impact FGC:

1. *A statewide travel ban for anything other than mission-critical activities.* Beyond the current safety concerns with in-person meetings, the travel ban means that FGC and

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committee meetings will continue to be held via webinar and/or teleconference through at least the end of 2020 and most likely through the 2020-21 fiscal year (ending Jun 2021). The virtual meeting format requires more time to accomplish the same amount of work that we have become accustomed to achieving in recent years, not only during FGC and committee meetings, but also for staff who are engaged in highly collaborative work.

2. *A pay cut/furloughs and delayed raises for employees.* The governor has already negotiated modifications to pay and benefits with two state unions and more are expected to follow. Most employees will receive a salary reduction that equates to one or two furlough days per month. While some of the pay cut for individuals will be offset by deferred health care or retirement contributions, the reduction in the number of hours staff is available to work remains the same. Also problematic for FGC in particular is that several employees with long-term institutional knowledge are eligible for retirement, which puts FGC at risk for additional staff turnover and loss of that experience sooner than anticipated.
3. *A 5% across-the-board budget cut for the 2021-22 fiscal year.* FGC has long had a very lean operation, but staff will look for ways to reduce costs for the next fiscal year.
4. *DFW loss of funding.* Last year Director Bonham committed to providing FGC with a position and funding for a tribal advisor/liaison to support the Tribal Committee and engage in tribal consultations. With what was an improving budget situation late last year, the director identified the possibility of another four to five positions with funding for increasing committee, regulatory and California Environmental Quality Act staffing. The new fiscal reality we are facing precludes receiving and filling those positions and, when combined with contact tracing assignments necessitates tough conversations about fundamental priorities given that FGC's responsibilities and authorities extend far beyond the capacity of its current staff and what its primary partner, DFW, can provide in support, and the loss of 20-25% of staff capacity (described under "thinking strategically").

Staffing

At the beginning of January, prior to COVID-19 impacting our operations, recruitment efforts were underway for three vacant positions as well as for the Sea Grant State Fellow contractor. As noted in the most recent staff report, with the hiring of our new regulatory analyst at the end of Apr 2020, FGC currently has no vacant positions. Efforts to refill the seasonal clerk position, a temporary classification used to supplement our administrative tasks, is suspended due to the anticipated budget restrictions. Exhibit 2, *FGC staff biographies*, is included to summarize the background of your staff, a team that is passionate about and committed to the work of FGC.

Leave Reduction Plans

In recent years the state has begun to recognize the significant risk that accumulated leave balances can pose to the long-term health of individual agencies; FGC is no exception, especially as a small agency without the budget necessary to absorb the cost of an employee retiring with a significant leave balance. To help reduce future liability, the state has a cap on the number of leave hours employees can accumulate, though for many years little attention was paid when an employee surpassed that mark; exceptions were regularly made due to an

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employee's extensive or mission-critical responsibilities or other extenuating circumstances. Most recently, the California Department of Human Resources has taken a more proactive role and requires that any employee with excess leave have on file a leave reduction plan; the employee's supervisor is responsible for ensuring that the plan is implemented.

FGC's insufficient staffing level to meet basic mandates and authorities, combined with past furloughs and hiring freezes, has made it extremely difficult to keep leave balances below the cap without compromising our ability to meet expectations for even fundamental responsibilities. Three staff currently have leave reduction plans on file; if those plans continue to be implemented, it represents about a 5% reduction in staff time for the next year.

COVID-19 Contact Tracer Assignment

Helping save lives and allowing the economy to begin reopening is a noble job; we honor and commend Associate Government Program Analyst Craig Castleton who volunteered for the worthy duty as a COVID-19 contact tracer. While he will be sorely missed, this is a once-in-a-lifetime opportunity to serve the people of California in a time of crisis. Craig completed his training in the first half of June and, at the time the binder was produced, was awaiting assignment.

The contact tracing assignment represents 10% of FGC staff capacity for the next six to nine months (and potentially longer). The assignment has already affected our operations and slowed work as various staff members with backup assignments to Craig's tasks assume those responsibilities.

Overall Reduction in Staff Capacity

Small, individual, short-term (i.e. a few months) reductions in capacity are part of normal business operations and something we accommodate on a regular basis. At this moment, what we are facing as an organization is not small, nor will it be short-term. The 10% loss of staff for contact tracing is expected to last at least six to nine months and possibly longer. If continued, the 5% loss for mandatory leave reduction will last about a year and then drop to about 3-4% for another two years. What is anticipated to be one or two furlough days per month equates to a 5-10% reduction in capacity. Far less certain are potential retirements spurred by the furloughs, which could lead to another 10-20% reduction. When combined, the changes to staff capacity constitute a major reduction (at a minimum 20%) in a relatively short time frame.

Public Engagement

FGC holds integrity, transparency, and collaboration as core values. All FGC and committee meetings are accessible to the public and FGC strives to make decisions based on multiple inputs in an open, inclusive, and public process that solicits a diverse set of perspectives.

Comments Submitted to FGC

FGC receives hundreds to thousands of written public comments each week via print mail, email and at public meetings. Due to the large volume, it is impossible to include in FGC's meeting binders every comment received. At the direction of FGC, staff reviews and organizes

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all comments and develops a binder of meeting materials to help inform FGC's decision-making, with summaries of the ideas submitted and samples of the correspondence.

While not all public comments can be physically included in the meeting binders, staff works hard to ensure that a full spectrum of public opinion is represented in the comment summaries and in the sample public comment letters included in the binder. While only comments that are received prior to the public comment deadline (approximately two weeks before the meeting) can be included in the binder, comments received by the supplemental comment deadline are also summarized and compiled for commissioner review. All correspondence is available to commissioners for their review at any time requested.

Engaging in FGC Decision-Making

In general, agenda items before FGC are discussed and developed over a series of committee and commission meetings, prior to action at a full FGC meeting. While submitting written public comments is an important opportunity to share ideas and provide input on items under consideration, there are other ways to influence the decision-making process. Those members of the public who wish to engage more fully in FGC's decision-making process are encouraged to participate in discussions at committee meetings, which help to form many of the recommendations ultimately made to FGC for consideration. As always, staff welcomes the opportunity to assist stakeholders in initiating and becoming more active in discussions and welcomes suggestions about how to improve public engagement.

Thinking Strategically about the Future

Amid the turbulence we are experiencing, the relative certainty of long-term planning seems to be in short supply. We are regularly, sometimes daily, faced with situations in which we must pivot our efforts as the facts on the ground and their operational context shift, leaving limited time or energy for posing and analyzing long-term planning ideas and developing collaborative interests. Yet, at the same time, decisions made and actions taken in these trying times will resonate far beyond this moment.

Developing a strategic plan to provide long-term guidance on organizational priorities while actively responding and adapting to a public health emergency is not only a challenge, but also can lead to a plan that is not adequately designed to meet the new future we will collectively face. While staff has recommended a temporary pause on the effort to develop a strategic plan (Agenda Item 16), it does not obviate the need to think strategically about the near-term future.

FGC staff priorities necessarily have shifted rapidly over the last three months and we anticipate this shifting to continue for the foreseeable future as guidance and directives to state agencies evolve during both the health and economic crises. There is a need to assess our constraints moving forward and consider what can be accomplished over the next year, with a reassessment recommended in approximately six months.

Staff has been identifying those key functions recommended to continue and those that should be on pause as we collectively work our way through the remarkable circumstances in which we find ourselves. Under a number of agenda items for this meeting you will see proposals for how to potentially modify workload. For instance, you will receive a recommendation from the

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Marine Resources Committee to establish a six-month hiatus for accepting new water-bottom lease applications beyond the three already in hand and being processed.

Other potential modifications include reducing the number of rulemakings by putting notice on hold for the commercial kelp and algae harvest and the experimental fishing permit program rulemakings, reconsidering the absolute need for rulemakings this year for such packages as mammals and upland game, and reconsidering the number of topics that are scheduled for FGC meetings. We are all familiar with the fact that a virtual meeting format takes longer to accomplish the same amount of work, so it is unrealistic to believe that with existing resources we can continue to achieve as much as pre-pandemic, and certainly not with the reduced capacity we expect to experience. Staff is making every effort to minimize the impacts to our core meeting planning, stakeholder engagement, and regulatory work.

California Law Revision Commission

At the direction of the California State Legislature, the California Law Revision Commission (CLRC) conducted a comprehensive review of the California Fish and Game Code to identify and clean-up obsolete, inconsistent, or duplicative sections; in December 2018, CLRC released a tentative recommendation for public review and comment.

The tentative recommendation includes over 3,500 changes to reorganize the Fish and Game Code into a proposed new Fish and Wildlife Code, as well as a series of over 500 “notes” regarding individual, proposed changes. Deadlines were initially set for July 1, 2020 to submit comments on the notes and July 1, 2021 to submit comments on the proposed reorganization.

Staff has completed an initial review of CLRC’s tentative recommendation and developed draft comments on the notes. FGC staff is coordinating with DFW on our proposed responses. Due to decreased staff capacity and other priorities since Dec 2019, FGC staff requested an extension of the July 1, 2020 deadline; in response, CLRC extended the deadline to December 28, 2020. Staff continues to work on a response to the notes as time allows.

Legislative Matters

Just as COVID-19 closed workplaces and curtailed activities throughout the state, the California State Legislature faced similar challenges and, in late Mar 2020, adjourned temporarily. In May, the senate and assembly returned to session, but a week apart; hence, there are different deadlines prior to summer recess. While the primary focus since returning has been on passing the 2020-21 budget, a large number of other bills continue to move through the legislative process. Staff has been unable to focus on legislative matters in recent months and relies heavily on colleagues at DFW to provide regular updates on the status of bills.

FGC staff has prepared a list of state legislation that may affect FGC’s resources and workload or be of interest (below). DFW has provided a report on state bills it has identified as being of interest, including the current status of each (Exhibit 3). Today is an opportunity for FGC to provide direction to staff concerning proposed legislation. At any meeting, FGC may direct staff to provide information to or share concerns with bill authors or regulatory agencies. FGC members may also take positions on bills at the same meeting an update is provided.

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Legislative Calendar Highlights for 2019-2020

- Jun 19: Last day for Assembly to pass bills introduced in that house; Assembly summer recess begins upon adjournment
- Jun 22-26: Senate floor session only
- June 26: Last day for Senate to pass bills introduced in that house
- July 2: Senate summer recess begins upon adjournment
- July 13: Legislature reconvenes from summer recess (Senate and Assembly schedules will resume concurrently)
- Aug 7: Last day for policy committees to meet and report bills
- Aug 14: Last day for fiscal committees to meet and report bills
- Aug 17-31: Floor session only
- Aug 21: Last day to amend bills on the floor
- Aug 31: Last day for each house to pass bills; final recess begins upon adjournment

Bills Introduced during the 2019-2020 Session

A number of the state assembly bills (AB) and senate bills (SB) identified in DFW's report may affect FGC's resources and workload or are potentially of interest:

- AB 1305 (*Obernolte*) *Junior hunting licenses: eligibility: age requirement* (introduced 2/22/2019; withdrawn from committee, re-referred to Committee on Rules 6/19/19)
- AB 1561 (*Rubio, Blanca*) *Endangered wildlife: crocodiles and alligators* (introduced 2/22/2019; read second time, ordered to third reading, re-referred to Committee on Rules pursuant to Senate Rule 29.10(c) 9/9/2019)
- AB 1949 (*Boerner Horbath*) *Fisheries: California Ocean Resources Enhancement and Hatchery Program* (introduced 1/17/2020; in Senate, read first time, to Committee on Rules for assignment 6/11/2020)
- AB 2028 (*Aguiar-Curry*) *State agencies: meetings* (introduced 1/30/2020; in Senate, read first time, to Committee on Rules for assignment 6/9/2020)
- AB 3030 (*Kalra*) *Resource conservation: land and ocean conservation goals* (introduced 2/21/2020; in Senate, read first time, to Committee on Rules for assignment 6/9/2020)
- SB 1046 (*Dahle*) *Fish and wildlife: catastrophic wildfires: Sierra Nevada region: reports* (Introduced 2/18/2020; from Committee with author's amendments, read second time and amended, re-referred to Committee on Rules 3/25/2020)
- SB 1175 (*Stern*) *Animals: prohibitions on importation and possession of wild animals: live animal markets* (Introduced 2/20/2020; set for Jun 18 hearing on 6/11/2020)
- SB 1208 (*Monning*) *Wildlife: dudleya: taking and possession* (Introduced 2/20/2020; from Committee with author's amendments, read second time and amended, re-referred to Committee on Rules 3/25/2020)
- SB 1235 (*Caballero*) *Administrative Procedure Act: adverse economic impact* (Introduced 2/20/2020; from Committee with author's amendments, read second time and amended, re-referred to Committee on Rules 3/25/2020)

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Two other bills that would have an impact on FGC that are not in the DFW report are:

- AB 2093 (*Gloria*) *Public records: writing transmitted by electronic mail: retention* (introduced 2/5/2020; Passed Committee on Judiciary, re-referred to Committee on Appropriations 3/10/2020)

Summary: Unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, this bill would require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least 2 years every public record, as defined, that is transmitted by electronic mail.

- SB 937 (*Hill*) *State agencies: web accessibility* (introduced 2/6/2020; referral to Committee on Judiciary and rescinded due to the shortened 2020 Legislative Calendar 5/12/2020).

Summary: This bill would authorize a state agency to temporarily remove public documents from digital access if a justifiable impediment exists and the Director of Technology verifies the impediment prohibits full compliance and the state agency complies with certain requirements, including citing the reason for the document's removal and listing options and instructions for how to access the document offline. The bill would make any file or document removed after Oct 14, 2017, subject to these requirements.

Significant Public Comments

An international sportsmen's organization opposes the Jun 2, 2020 version of SB 1175 on the grounds that it will lead to unwinnable litigation since it is contrary to federal law, creates confusion by comingling live animal markets with legitimate hunting experiences, the listed game species have not been shown to present a human health risk, and the cost will have to be borne by an already struggling agency (DFW) at a time when it appears its General Fund budget will be reduced by almost \$34 million in the next fiscal year (Exhibit 4).

Recommendation (N/A)

Exhibits

1. [Staff Report on Staff Time Allocation and Activities](#), dated Jun 15, 2020
2. [FGC staff and contractor biographies](#), updated Jun 15, 2020
3. [DFW legislative report](#), dated Jun 16, 2020
4. [Letter from Safari Club International to Senator Anthony Portantino, chair, California State Senate Appropriations Committee](#), dated Jun 5, 2020

Motion/Direction (N/A)

California Fish and Game Commission

Staff Report on Staff Time Allocation and Activities

June 15, 2020

Commission staff time is a tangible and invaluable asset. Especially since the Commission's staff is so small, where and how staff members spend their time is important. This report identifies where Commission staff allocated time to general activity categories and to specific activities during April and May 2020.

A large increase in this reporting period for the commission/committee meetings category represents the work that was necessary to prepare for April's three meetings in a virtual setting. In one case the meeting was hosted by a third-party vendor, yet a significant amount of staff time was required to assign staff roles, conduct test runs, develop instructional materials for attendees, and coordinate with commissioners and participants from the California Department of Fish and Wildlife. Three different technical platforms were used for the meetings and staff necessarily had to quickly become versed in each.

Beginning in April, increases in the administration category were a direct result of a multitude of responsibilities related to the COVID-19 pandemic, such as high-priority requests and guidance from other state agencies (i.e., California Department of Human Resources, California Department of Public Health, California Department of Finance, California Natural Resources Agency), information-gathering, lost efficiencies from teleworking, creating telework and equipment agreements, creating new processes and procedures for a telework environment, learning new technologies and online tools, and the recent COVID-19 contact tracing reassignment. In addition, training several new staff members is also captured in administration.

In May, an analysis of changes proposed by the California Law Revision Commission to the California Fish and Game Code resulted in a large increase in the legal category. Finally, the drop in unfilled positions in both months reflects the recent successful hiring efforts that began in December.

General Allocation

Task Category	April Staff Time	May Staff Time
Regulatory Program	14%	8%
Non-Regulatory Program	2%	4%
Commission/Committee Meetings	39%	15%
Legal Matters	4%	11%
External Affairs	6%	6%
Special Projects	7%	12%
Administration	23%	32%
Leave Time	7%	13%
Unfilled Positions	12%	6%
Total Staff Time ¹	113%	107%

¹ Total staff time is greater than 100% due to overtime

Sample of Activities for April 2020

- Responded to requests from the California Natural Resources Agency (CNRA), the California Government Operations Agency, the California Department of Human Resources, and the California Department of Fish and Wildlife (CDFW) for data and information related to the COVID-19 pandemic
- Participated in daily and weekly COVID-19 task force calls with CNRA and directors of other state agencies in the natural resource family
- Prepared for and conducted three publicly noticed meetings (April 9 Commission, April 15-16 Commission, April 29 Marine Resources Committee)
- Began preparations for two publicly noticed meetings (May 14 Commission, May 14 Wildlife Resources Committee)
- Coordinated with audio-visual and webcast contractors, and CDFW and CNRA staff to develop and implement new protocols for hosting meetings remotely
- Continued onboarding new deputy executive director and staff services analyst
- Began onboarding new regulatory analyst
- Participated in training for digital document accessibility and various technical platforms for hosting meetings
- Participated in managers and supervisors update meeting and all-CDFW staff broadcast meeting with CDFW director
- Continued analysis of California Law Revision Commission's proposed changes to California Fish and Game Code
- Conducted bullfrog stakeholder meeting
- Participated in MPA Statewide Leadership Team meeting

Sample of Activities for May 2020

- Responded to requests from CNRA, the California Government Operations Agency, the California Department of Human Resources, and CDFW for data and information related to the COVID-19 pandemic
- Participated in weekly COVID-19 task force calls with CNRA and directors of other state agencies in the natural resource family
- Developed COVID-19 stay-at-home modification plan for Commission office
- Implemented new office procedures to ensure the safety of staff working in the office during the COVID-19 pandemic
- Prepared for and conducted three publicly noticed meetings (Mar 5 Wildlife Resources Committee, Mar 17 Resources Committee)
- Coordinated with audio-visual and webcast contractors, and California Department of Fish and Wildlife (CDFW Marine) and California Natural Resources Agency (CNRA) staff to develop and implement new protocols for hosting meetings remotely
- Participated in three-day Administrative Procedure Act training from the Office of Administrative Law
- Continued onboarding new deputy executive director, staff services analyst, and regulatory analyst

- Participated in training for various technical platforms for hosting meetings and collaborating online
- Continued analysis of California Law Revision Commission's proposed changes to California Fish and Game Code
- Participated in aquaculture coordination meeting with the California Ocean Protection Council and CDFW
- Participated in update for commercial marine algae survey with CDFW

General Allocation Categories with Sample Tasks (Pre-COVID-19)

Regulatory Program

- Coordination meetings with DFW to develop timetables and notices
- Prepare and file notices, re-notices, and initial/final statements of reasons
- Prepare administrative records
- Track and respond to public comments
- Consult, research and respond to inquiries from the Office of Administrative Law

Non-Regulatory Program

- DFW partnership, including jointly developing management plans and concepts
- Process and analyze non-regulatory requests
- Develop, review and amend Commission policies
- Research and review adaptive management practices
- Review and process California Endangered Species Act petitions

Commission/Committee Meetings and Support

- Research and compile subject-specific information
- Review and develop policies
- Develop and distribute meeting agendas and materials
- Agenda and debrief meetings
- Prepare meeting summaries, audio files and voting records
- Research and secure meeting venues
- Develop and distribute after-meeting memos/letters
- Make travel arrangements for staff and commissioners
- Conduct onsite meeting management
- Process submitted meeting materials
- Provide commissioner support (expense claims, office hours, etc.)
- Process and analyze regulatory petitions

Legal Matters

- Public Records Act requests
- California Law Review Commission
- Process appeals and accusations
- Process requests for permit transfers
- Process kelp and state water bottom leases
- Litigation
- Prepare administrative records

External Affairs

- Engage and educate legislators, monitor legislation
- Maintain state, federal and tribal government relations
- Correspondence
- Respond to public inquiries
- Website maintenance

Special Projects

- Coastal Fishing Communities
- Fisheries Bycatch Workgroup
- Streamline routine regulatory actions
- Strategic planning
- Aquaculture best management practices
- Website accessibility issues
- Service-based budgeting

Administration

- Staff training and development
- Purchases and payments
- Contract management
- Personnel management
- Budget development and tracking
- Health and safety oversight and COVID-19 responses
- Internal processes and procedures
- Document archival

Leave Time

- Holidays
- Sick leave
- Vacation or annual leave
- Jury duty
- Bereavement

California Fish and Game Commission

Staff and Contractor Biographies

June 2020

Executive Director (Commission appointee): *Melissa Miller-Henson*

Melissa began her work at the Commission in 2012 focused on organizational effectiveness and efficiency, and then became the program manager where she managed appeals, oversaw the rulemaking program, and provided program and policy advice to the executive director and Commission as well as general administrative direction and supervision for staff. She was also the deputy executive director and then the acting executive director until appointment by the Commission as executive director in September 2019. She is responsible for creating an environment where the public, scientists, government agencies, and tribal nations can work with the Commission to realize sound stewardship of California's fish and wildlife resources.

In the first part of her career, Melissa worked with the California Natural Resources Agency on various natural resource management issues, including seven years managing the Marine Life Protection Act Initiative, and a year managing the California Fish and Wildlife Strategic Vision Project. Melissa's experience includes policy analysis, facilitating multi-disciplinary teams, project management, media and stakeholder communications, translating science for policy-makers, strategic planning, and ecosystem-based conservation and management.

Melissa received a bachelor of science degree from UC Davis in environmental policy analysis and planning. Her master's in business administration work, also completed at UC Davis, emphasized public sector and human resources management. In her spare time, she is a professional whitewater raft guide and loves spending time outdoors.

Deputy Executive Director (career executive assignment): *Rachel Ballanti*

Rachel joined the Commission in March 2020 as the deputy executive director where she focuses on advising the executive director in resolving administrative issues, implementing administrative priorities, aiding the executive director in strategic planning, overseeing Commission meeting preparation, and directing the activities of a professional staff.

Prior to joining the Commission, Rachel served as a section chief and program manager for the California Department of Water Resources' (DWR) Financial Assistance Branch, managing the Integrated Regional Water Management Implementation Grant Program and the Water-Energy Grant Program. Previously, she held several positions at the California Water Commission including assistant executive officer and acting executive officer. At the Water Commission, she worked in the areas of policy and program development, inter-agency coordination, and tribal and stakeholder involvement for programs, including the Water Storage Investment Program. She also held several positions within DWR, including as advisor to the chief deputy director. She holds a bachelor's degree from UC Irvine and master of public administration from University of Southern California.

Legal Counsel (attorney IV assigned to commission): *Michael Yaun*

Mike became the Commission's legal counsel in 2015. He provides legal advice to the Commission in both open and closed sessions of all regular, special and emergency meetings. He conducts legal research and provides advice to the commissioners, the executive director, and other Commission staff members on issues before the Commission to help implement direction from the Commission and prepare for Commission meetings. He also coordinates with litigation counsel provided by the California State Attorney General's office.

Prior to working for the Commission, Mike worked for almost 14 years as an attorney for the Florida Fish and Wildlife Conservation Commission. In various roles at the Florida commission, he worked on a wide variety of issues dealing with both state and federal regulation of fish and wildlife; his focus was on state- and federally-listed species.

Mike has a bachelor's degree from University of Florida and a law degree from Florida State University. When he's not working, Mike loves to explore nature with his wife usually by trail running, mountain biking, and whitewater kayaking.

Marine Advisor (senior environmental scientist – specialist): *Susan Ashcraft*

Susan joined the Commission in February 2014 as a senior environmental scientist, where she provides independent guidance and recommendations on a wide range of marine policy and management issues; supports the activities of the Marine Resources Committee; conducts scientific, regulatory and policy review and analysis; and is the Commission's liaison to partners, stakeholders, and the California Department of Fish and Wildlife (CDFW) Marine Region. In 2019 she served as the acting deputy executive director for 12 months, a responsibility she also held in 2016 for 12 months.

Prior to joining the Commission, she worked for the CDFW Marine Region for over 16 years on a range of marine fisheries and resource management projects with state and federal agencies and stakeholders, served as a California representative on the Pacific Fishery Management Council Groundfish Management Team, and supported the marine protected areas planning project as supervisor and specialist under the Marine Life Protection Act Initiative. Her many years of service with the Marine Region provide a unique foundational working relationship among Commission and department leadership, project staff, and stakeholders.

Susan received a bachelor's degree from UC Santa Cruz in biology, with an emphasis in marine biology, and completed master's work in marine science at Boston University's Marine Program in Woods Hole, Massachusetts.

Wildlife Advisor (senior environmental scientist – specialist): *Ari Cornman*

Ari joined the Commission staff in May 2018 and functions as the staff expert on terrestrial wildlife and inland fisheries for issues throughout the state. Previously, Ari worked on wildlife issues for a tribe in Michigan and worked at the Attwater Prairie Chicken National Wildlife Refuge in Eagle Lake, Texas, where he helped restore endangered bird populations and their habitat. He also worked in the U.S. Fish and Wildlife Service Colorado Field Office and the Mountain-Prairie Regional Office on wetlands, endangered species, waterfowl, wildfire, and regulations. He has studied and coauthored papers on carnivore biology and human-wildlife

interactions. He teaches and facilitates conservation planning and adaptive management using the Open Standards for the Practice of Conservation as a member of the international Conservation Coaches Network.

Ari earned a bachelor of science degree in ecology and philosophy (dual major) from Juniata College in Pennsylvania and an M.S. in biology from Truman State University in Missouri.

Program Manager (staff services manager I): *David Thesell*

David began with the Commission in November 2017 and serves as a member of the executive leadership team, oversees general administrative functions to ensure the Commission's daily office operations promote accountability, effectiveness and efficiency; administers a statewide regulatory program to meet statutory mandates; renders management advice that impacts Commission programs and policies; oversees development of materials for all Commission meetings; manages special projects; ensures timely response to Public Records Act requests; oversees records management; and provides direction and supervision of regulatory staff.

Previously, David worked for the California Department of Conservation (DOC) for over ten years. He served as deputy chief for the DOC Division of Land Resource Protection, where he was the administrative chief overseeing daily operations and programs dedicated to preserving farmland. In 2012, David was named program manager for the division's various grant programs, which included the department's popular watershed coordinator program, a statewide, bond-funded program to improve natural resource conditions on a watershed basis. He also served as program manager and liaison to the California Strategic Growth Council, to issue grant funds to assist local agencies in adopting sustainable and climate-friendly strategies into their planning updates. Prior to joining the state, David was a grants and financial manager for a private family foundation in San Francisco.

David earned his bachelor of science degree in business administration from California State University, Sacramento. A Sacramento native, he enjoys camping with his wife and two daughters, long-distance trail running, and volunteering as a ski patroller with the Eldorado Backcountry Ski Patrol. Since 2011, he serves as an advisory council member for Save the American River Association, a local grassroots environmental organization.

Regulatory Analyst and Administrative Officer (associate governmental program analyst): *Sherrie Fonbuena*

As the second most senior staff member, Sherrie joined the Commission staff in 1998. She reviews, analyzes and develops regulatory documents, with a general focus on marine issues; consults with Office of Administrative Law staff attorneys regarding, and provides research related to, rulemaking files; serves as the administrative officer for the Commission, coordinating with and advising the executive director on personnel, budget/fiscal and business service activities, and recommending solutions to administrative problems; administers the Commission website; assists in developing regulatory training materials and providing training to other staff; and researches and responds to correspondence.

Regulatory Analyst (associate governmental program analyst): *Craig Castleton*

Craig moved to California from Scotland in 2015 and began his career in Sacramento by volunteering in the visitor office and archives of the Historic City Cemetery. He also worked as a visitor services associate at the California Museum, and started working for the State of California in 2016 as a park interpretive specialist with the California State Railroad Museum Library and Archives. In 2017, Craig became a staff services analyst with the California Conservation Corps, where he worked for human resources in hiring and position control. Craig joined the Commission staff in August 2018, and reviews, analyzes and develops regulatory documents, with a general focus on sport and commercial fishing; consults with Office of Administrative Law staff attorneys regarding, and provides research related to, rulemaking files; assists in editing the Commission website; prepares materials for Commission meetings and administers the Commission's records management system.

Craig graduated from the University of Aberdeen with a bachelor of science degree in archeology and geography (joint major), and has taken classes in geographic information systems at American River College. Craig now lives in Sacramento with his wife, Fiona, their new baby, and two cats, and is proud to call the city home. He enjoys camping, hiking, and exploring the diverse landscapes of California, and is a keen long-distance runner.

Regulatory Analyst (associate governmental program analyst): *Jon Snellstrom*

Jon began his state service in 1991 with what was then known as the California Department of Fish and Game License and Revenue Branch and then joined the Commission staff in 1992. As the most senior staff member and unofficial historian, Jon works primarily with sport fish and hunting general regulations, emergency regulations, and regulations that are non-substantive or that have no regulatory effect by reviewing, analyzing and developing regulatory documents; consults with Office of Administrative Law staff attorneys regarding, and provides research related to, rulemaking files, maintains the Commission's rulemaking timetable and reports annual regulatory expectations to the Office of Administrative Law; develops and maintains regulatory training materials for new California Department of Fish and Wildlife and Commission staff; and tracks, researches and responds to correspondence. He is also the Commission's talented in-house artist and graphic designer.

Regulatory Analyst (associate governmental program analyst): *Jenn Greaves*

Jenn joined the Commission in April 2020. In addition to managing a suite of rulemakings, she reviews, analyzes and develops regulatory files related to threatened and endangered species, as well as other subjects related to hunting and commercial and recreational fishing, and consults with Office of Administrative Law staff attorneys regarding, and provides research related to, rulemaking files. She also reviews and processes petitions for listing threatened, endangered and other protected species, and prepares administrative records of regulatory and petitioned actions for court challenges.

Jenn graduated from Sacramento State University with a bachelors in psychology and criminal justice, and a certificate in applied behavioral analysis. She worked for many years as a behavioral therapist, teaching autistic adolescents school curriculum, social, and life skills. She returned to school to earn a masters degree in justice and security. Most recently, Jenn worked as data analyst at the California Department of Social Services.

Jenn volunteered for many years at the Folsom Zoo and Sanctuary assisting with animal rehabilitation and conducting educational outreach. Her fiancé and she are the proud parents of three non-human boys (two dogs and red-tailed boa). They enjoy spending time outdoors, traveling, and checking off their national park bucket list.

Executive Assistant (staff services analyst): *Cynthia McKeith*

Cynthia joined the Commission in March 2020 and performs a wide variety of analytical, administrative, consultative, and executive-level support duties. Cynthia provides support to the executive director, deputy executive director, Commission president and members, and staff. She also arranges travel itineraries, completes commissioner expense claims, and facilitates site management for all Commission meetings, including making reservations for meeting sites and travel arrangements for commissioners and staff.

Cynthia completed two years at UC Berkeley with concentrations in math and science and then transferred to Scripps College, graduating with a bachelor of science degree in fine art. She has a great love of the outdoors and is a certified California Naturalist, an active member of the Sierra Club, and a regular contributor to a number of citizen science projects. She enjoys volunteering for the American River Parkway Foundation and Sacramento SPCA, hiking, kickboxing, and mountain biking.

Sea Grant State Fellow 2020 (contractor): *Rose Dodgen*

Rose joined the Commission in February 2020 for a 12-month fellowship under the California Sea Grant State Fellows Program. She is assisting with Commission and committee meeting preparations and is working on multiple projects, including one to highlight and address the challenges faced in California's coastal fishing communities based.

Rose received her bachelor of science degree in biological sciences in 2016 from UC Santa Barbara and completed her master's in biological sciences at California Polytechnic State University, San Luis Obispo in early 2020. Her thesis focused on differences in assessment metrics of rockfish species in fisheries-independent and fisheries-dependent data from the central coast of California. She is hoping that her research will help determine how best to potentially incorporate fisheries-independent data into stock assessments of rockfish. Rose is passionate about providing the best available science for assessing and protecting marine species.



Department of Fish & Wildlife Legislative Report

June 2020

(as of June 16, 2020)

AB 352

(Garcia, Eduardo D) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.

Introduced: 2/4/2019

Last Amend: 8/14/2019

Status: 8/14/2019-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on EQ.

Location: 8/14/2019-S. E.Q.

Summary: Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$3,920,000,000 pursuant to the State General Obligation Bond Law to finance a wildlife prevention, safe drinking water, drought preparation, and flood protection program. The bill would provide for the submission of these provisions to the voters at the November 3, 2020, statewide general election. The bill would provide that its provisions are severable.

AB 559

(Arambula D) Millerton Lake State Recreation Area: acquisition of land.

Introduced: 2/13/2019

Status: 1/28/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 1/28/2020-S. RLS.

Summary: Would require the Department of Parks and Recreation to effectively manage lands currently within its jurisdiction in the Millerton Lake State Recreation Area adjacent to the San Joaquin River, and would authorize the department to enter into an agreement with the conservancy to manage lands acquired by the conservancy adjacent to the state recreation area, as specified.

AB 664

(Cooper D) Workers' compensation: injury: communicable disease.

Introduced: 2/15/2019

Last Amend: 5/18/2020

Status: 5/18/2020-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on L., P.E. & R.

Location: 7/12/2019-S. L., P.E. & R.

Summary: Would define "injury," for certain state and local firefighting personnel, peace officers, certain hospital employees, and certain fire and rescue services coordinators who work for the Office of Emergency Services to include being exposed to or contracting, on or after January 1, 2020, a communicable disease, including coronavirus

disease 2019 (COVID-19), that is the subject of a state or local declaration of a state of emergency that is issued on or after January 1, 2020. The bill would create a conclusive presumption, as specified, that the injury arose out of and in the course of the employment. The bill would apply to injuries that occurred prior to the declaration of the state of emergency. The bill would also exempt these provisions from the apportionment requirements.

AB 995

(Garcia, Cristina D) Hazardous waste.

Introduced: 2/21/2019

Last Amend: 9/6/2019

Status: 9/9/2019-Withdrawn from committee. Re-referred to Com. on RLS.

Location: 9/9/2019-S. RLS.

Summary: This bill would create the Board of Environmental Safety in the California Environmental Protection Agency. The bill would provide requirements for the membership of the board and would require the board to conduct no less than 6 public meetings per year. The bill would provide for the duties of the board, which would include, among others, reviewing specified policies, processes, and programs within the hazardous waste control laws; proposing statutory, regulatory, and policy changes; and hearing and deciding appeals of hazardous waste facility permit decisions.

AB 1190

(Irwin D) Unmanned aircraft: state and local regulation: limitations.

Introduced: 2/21/2019

Last Amend: 5/1/2019

Status: 6/19/2019-Referred to Com. on RLS.

Location: 5/24/2019-S. RLS.

Summary: Would, among other things, prohibit a state or local agency from adopting any law or regulation that bans the operation of an unmanned aircraft system. The bill would also authorize a local agency to adopt regulations to enforce FAA regulations regarding the operation of unmanned aircraft systems and would authorize local agencies to regulate the operation of unmanned aircraft and unmanned aircraft systems within their jurisdictions, as specified. The bill would also authorize a local agency to require an unmanned aircraft operator to provide proof of federal, state, or local registration to licensing or enforcement officials.

AB 1279

(Bloom D) Planning and zoning: housing development: high-opportunity areas.

Introduced: 2/21/2019

Last Amend: 4/24/2020

Status: 4/24/2020-From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on HOUSING.

Location: 4/24/2020-S. HOUSING

Summary: The Planning and Zoning Law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards, including that the development is (1) located in a locality determined by the Department of Housing and Community Development to have

not met its share of the regional housing needs for the reporting period, and (2) subject to a requirement mandating a minimum percentage of below-market rate housing, as provided. This bill would require the department to designate areas in this state as high-opportunity areas, as provided, by January 1, 2022, in accordance with specified requirements and to update those designations within 6 months of the adoption of new Opportunity Maps by the California Tax Credit Allocation Committee.

AB 1305

(Obernolte R) Junior hunting licenses: eligibility: age requirement.

Introduced: 2/22/2019

Last Amend: 6/18/2019

Status: 6/19/2019-Withdrawn from committee. Re-referred to Com. on RLS.

Location: 6/19/2019-S. RLS.

Summary: Current law requires the Department of Fish and Wildlife to issue various types of hunting licenses, including a discounted hunting license known as a junior hunting license, upon payment of a certain fee from an eligible applicant. Current law provides that, until July 1, 2020, a person is eligible for a junior hunting license if the person is under 18 years of age on July 1 of the licensing year. Existing law provides that, on and after July 1, 2020, a person is eligible for a junior hunting license if the person is under 16 years of age on July 1 of the licensing year. Current law makes conforming changes to certain other types of hunting licenses as a result of the age change for a junior hunting license. This bill would extend the eligibility for a junior hunting license to a person who is under 18 years of age on July 1 of the licensing year until July 1, 2021.

AB 1561

(Rubio, Blanca D) Endangered wildlife: crocodiles and alligators.

Introduced: 2/22/2019

Last Amend: 9/6/2019

Status: 9/9/2019-Read second time. Ordered to third reading. Re-referred to Com. on RLS. pursuant to Senate Rule 29.10(c).

Location: 9/9/2019-S. RLS.

Summary: Would delay the commencement of the prohibition on importing into the state for commercial purposes, possessing with intent to sell, or selling within the state, the dead body, or a part or product thereof, of a crocodile or alligator until January 1, 2021. This bill contains other related provisions.

AB 1948

(Bonta D) Taxation: cannabis.

Introduced: 1/17/2020

Status: 3/9/2020-In committee: Hearing for testimony only.

Location: 1/30/2020-A. REV. & TAX

Summary: AUMA requires the Legislative Analyst's Office to submit a report to the Legislature by January 1, 2020, with recommendations for adjustments to the tax rate to achieve the goals of undercutting illicit market prices and discouraging use by persons younger than 21 years of age while ensuring sufficient revenues are generated for specified programs. AUMA authorizes the Legislature to amend its provisions with a 2/3 vote of both houses to further its purposes and intent. This bill would reduce that excise tax rate to 11% on and after the operative date of this bill until July 1, 2023, at which time the excise tax rate would revert back to 15%. The bill would suspend the imposition of the cultivation tax on and after the operative date of this bill until July 1, 2023. The bill

would require the bureau, the Department of Food and Agriculture, and the California Department of Tax and Fee Administration to provide the Legislature with reports measuring the success of this bill, as specified.

AB 1949

(Boerner Horvath D) Fisheries: California Ocean Resources Enhancement and Hatchery Program.

Introduced: 1/17/2020

Last Amend: 6/3/2020

Status: 6/11/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 6/11/2020-S. RLS.

Summary: Would expand the purpose of the California Ocean Resources Enhancement and Hatchery to encompass any marine fish species important to sport and commercial fishing. The bill would revise provisions relating to the advisory panel by, among other things, specifying which members are voting members, by adding a voting member representing the public or nongovernmental organization interests, or both, by providing for an alternate member to be designated for each voting member, and by establishing 3-year terms for each member and alternate member. The bill would require all members and alternate members to be appointed by the director after soliciting nominations for members and evaluating certain criteria. Except for the advisory panel's advisory function, the bill would eliminate the advisory panel's other functions, including the power to approve financing of any part of the program.

AB 2028

(Aguilar-Curry D) State agencies: meetings.

Introduced: 1/30/2020

Last Amend: 6/4/2020

Status: 6/9/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 6/9/2020-S. RLS.

Summary: The Bagley-Keene Open Meeting Act requires that all meetings of a state body, as defined, be open and public, and that all persons be permitted to attend any meeting of a state body, except as otherwise provided in that act. Current law requires the state body to provide notice of its meeting, including specified information and a specific agenda of the meeting, as provided, to any person who requests that notice in writing and to make that notice available on the internet at least 10 days in advance of the meeting. This bill would, except for closed sessions, require that this notice include all writings or materials provided for the noticed meeting to a member of the state body by staff of a state agency, board, or commission, or another member of the state body, that are in connection with a matter subject to discussion or consideration at the meeting.

AB 2106

(Aguilar-Curry D) Wildlife habitat: Nesting Bird Habitat Incentive Program: upland game bird hunting validation: state duck hunting validation.

Introduced: 2/6/2020

Last Amend: 5/4/2020

Status: 6/9/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 6/9/2020-S. RLS.

Summary: Would raise by \$5 the upland game bird hunting validation and the state duck hunting validation fees, as specified, with that \$5 to be deposited, and available upon appropriation to the Department of Fish and Wildlife for the Nesting Bird Habitat

Incentive Program, in the Nesting Bird Habitat Incentive Subaccount, which the bill would create in the California Waterfowl Habitat Preservation Account.

AB 2122

(Rubio, Blanca D) Unlawful cannabis activity: enforcement.

Introduced: 2/6/2020

Status: 6/11/2020-Read third time. Passed. Ordered to the Senate. (Ayes 78. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.

Location: 6/11/2020-S. RLS.

Summary: Would impose a civil penalty on persons aiding and abetting unlicensed commercial cannabis activity of up to \$30,000 for each violation. The bill would prohibit an action for civil penalties brought against a person pursuant to MAUCRSA from commencing unless the action is filed within 3 years from the first date of discovery of the violation by a licensing authority or a participating agency, whichever is earlier or earliest. This bill contains other related provisions and other existing laws.

AB 2312

(Quirk D) Cannabis: state temporary event licenses: venues licensed by the Department of Alcoholic Beverage Control: unsold inventory.

Introduced: 2/14/2020

Last Amend: 5/4/2020

Status: 5/5/2020-Re-referred to Com. on B. & P.

Location: 4/24/2020-A. B.&P.

Summary: Would specifically authorize the Bureau of Cannabis Control to issue a state temporary event license to a retail licensee under MAUCRSA authorizing onsite cannabis retail sales of cannabis or cannabis products to, and consumption by, persons 21 years of age or older at an event held at a venue that is licensed by the Department of Alcoholic Beverage Control pursuant to the Alcoholic Beverage Control Act if the activities comply with specified requirements, including that the local jurisdiction authorized the event and onsite sales and consumption of cannabis or cannabis products may only occur in a separate and distinct area from alcohol sales and consumption.

AB 2323

(Friedman D) California Environmental Quality Act: exemptions.

Introduced: 2/14/2020

Last Amend: 6/4/2020

Status: 6/9/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 6/9/2020-S. RLS.

Summary: CEQA exempts from its requirements certain residential, employment center, and mixed-use development projects meeting specified criteria, including that the project is undertaken and is consistent with a specific plan for which an environmental impact report has been certified. This bill would require that the project is undertaken and is consistent with either a specific plan prepared pursuant to specific provisions of law or a community plan, as defined, in order to be exempt. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program.

AB 2370

(Limón D) Ventura Port District: aquaculture plots: federal waters.

Introduced: 2/18/2020

Last Amend: 3/16/2020

Status: 3/17/2020-Re-referred to Com. on L. GOV.

Location: 3/12/2020-A. L. GOV.

Summary: Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, a city or district may only provide new or extended services by contract or agreement outside of its jurisdictional boundary if it requests and receives written approval, as provided, from the local agency formation commission in the county in which the extension of service is proposed. This bill would, notwithstanding the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, authorize the Ventura Port District, to the extent permitted by federal law, to construct, maintain, operate, lease, and grant permits to others for the installation, maintenance, and operation of aquaculture plots in federal waters off the coast of California the County of Ventura, as prescribed, in order to aid in the development or improvement of navigation or commerce to the port district.

AB 2371

(Friedman D) Climate change: Office of Planning and Research: science advisory team: climate adaptation and hazard mitigation.

Introduced: 2/18/2020

Last Amend: 6/4/2020

Status: 6/9/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 6/9/2020-S. RLS.

Summary: Would require the Office of Planning and Research, by July 1, 2021, to convene a climate science advisory team of distinguished scientists to advise on climate planning and adaptation efforts in the state and to, among other things, provide input to improve climate adaptation and hazard mitigation planning across state agencies, including the plan. The bill would require the team to serve as a working group of a specified ICARP advisory group. The bill would require the team to provide recommendations to inform certain activities of the council regarding climate change and sustainable communities.

AB 2437

(Quirk D) Civil actions: statute of limitations.

Introduced: 2/19/2020

Last Amend: 3/10/2020

Status: 3/17/2020-In committee: Hearing postponed by committee.

Location: 2/27/2020-A. JUD.

Summary: MAUCRSA imposes a 5-year statute of limitations for a licensing authority to file accusations and to seek a fine against a licensee for noncompliance with MAUCRSA's provisions, except as specified. MAUCRSA also permits a licensing authority, the Attorney General, a district attorney, a county counsel, a city prosecutor, or a city attorney to bring an action for civil penalties against a person engaging in commercial cannabis activity without a license of up to 3 times the amount of the license fee. Current law requires specified actions upon a statute for a penalty or forfeiture to commence within one year. This bill would require the agency bringing the civil action for penalties to do so within three years of discovery of the facts constituting the grounds for commencing the action.

AB 2954

(Rivas, Robert D) California Global Warming Solutions Act of 2006: climate goal: natural and working lands.

Introduced: 2/21/2020

Last Amend: 5/4/2020

Status: 6/9/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 6/9/2020-S. RLS.

Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. This bill would require the state board, when updating the scoping plan and in collaboration with This bill would require the state board, when updating the scoping plan and in collaboration with by January 1, 2023, an overall climate goal for the state's natural and working lands, as defined, to sequester carbon and reduce atmospheric greenhouse gas emissions and identify practices, policy incentives, and potential reductions in barriers that would help achieve the climate goal.

AB 3005

(Rivas, Robert D) Leroy Anderson Dam and Reservoir: permitting, and public contracting.

Introduced: 2/21/2020

Last Amend: 6/3/2020

Status: 6/11/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 6/11/2020-S. RLS.

Summary: Would, if the Department of Fish and Wildlife determines that the Anderson Dam project, as defined, will substantially adversely affect existing fish and wildlife resources and the Santa Clara Valley Water District complete certain actions for the project, require the department within 180 days of receipt of a notification, as defined, from the district to issue a final agreement with the district that includes reasonable measures necessary to protect the affected resource, unless the department and the district agree to an extension.

AB 3022

(Obernolte R) Junior hunting licenses: eligibility: age requirement.

Introduced: 2/21/2020

Status: 6/3/2020-In committee: Held under submission.

Location: 6/2/2020-A. APPR. SUSPENSE FILE

Summary: Current law provides that, on and after July 1, 2020, a person is eligible for a junior hunting license if the person is under 16 years of age on July 1 of the licensing year. Current law makes conforming changes to certain other types of hunting licenses as a result of the age change for a junior hunting license. This bill would extend the eligibility for a junior hunting license to a person who is under 18 years of age on July 1 of the licensing year until July 1, 2021.

AB 3030

(Kalra D) Resource conservation: land and ocean conservation goals.

Introduced: 2/21/2020

Last Amend: 6/4/2020

Status: 6/9/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 6/9/2020-S. RLS.

Summary: Would declare it to be the goals of the state by 2030 to protect at least 30% of the state's land areas and waters; to help advance the protection of 30% of the nation's oceans; and to support regional, national, and international efforts to protect at

least 30% of the world's land areas and waters and 30% of the world's ocean. The bill would authorize the state to achieve these goals through specified activities.

AB 3214

(Limón D) Oil and gas: oil spills: financial security, fines, and penalties.

Introduced: 2/21/2020

Last Amend: 5/4/2020

Status: 6/11/2020-In Senate. Read first time. To Com. on RLS. for assignment.

Location: 6/11/2020-S. RLS.

Summary: Current law prohibits a tank vessel, as defined, that is required to have a contingency plan, from entering the waters of the state unless the tank vessel owner or operator provides to the administrator evidence of financial responsibility that demonstrates, to the administrator's satisfaction, the ability to pay at least \$1,000,000,000 to cover damages caused by a spill, and the owner or operator of the tank vessel has obtained a certificate of financial responsibility from the administrator for the tank vessel. Current law prohibits a nontank vessel from entering waters of the state unless the nontank vessel owner or operator has provided to the administrator evidence of financial responsibility that demonstrates, to the administrator's satisfaction, the ability to pay at least \$300,000,000 to cover damages caused by a spill, and the owner or operator of the nontank vessel has obtained a certificate of financial responsibility from the administrator for the nontank vessel. This bill would double those amounts from \$1,000,000,000 to \$2,000,000,000 and from \$300,000,000 to \$600,000,000, respectively.

AB 3256

(Garcia, Eduardo D) Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.

Introduced: 2/21/2020

Last Amend: 6/4/2020

Status: 6/8/2020-Re-referred to Com. on RLS.

Location: 6/3/2020-A. RLS.

Summary: Would enact the Economic Recovery, Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,980,000,000 pursuant to the State General Obligation Bond Law to finance projects for an economic recovery, wildfire prevention, safe drinking water, drought preparation, and flood protection program.

ACA 22

(Melendez R) Environmental quality: California Environmental Quality Act: housing projects: injunctions: exemptions.

Introduced: 2/20/2020

Status: 2/21/2020-From printer. May be heard in committee March 22.

Location: 2/20/2020-A. PRINT

Summary: Would prohibit a court, in granting relief in an action or proceeding brought under CEQA, from enjoining a housing project, as defined, unless the court finds that the continuation of the housing project presents an imminent threat to public health and safety or that the housing project site contains unforeseen important Native American artifacts or important historical, archaeological, or ecological values that would be materially, permanently, and adversely affected by the continuation of the housing project. The measure would, except as provided, prohibit the Legislature from enacting

legislation to exempt projects from the requirements of CEQA unless the projects are housing projects, projects for the development of roadway infrastructure, or projects to address an emergency circumstance for which the Governor has declared a state of emergency.

SB 45

(Allen D) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.

Introduced: 12/3/2018

Last Amend: 1/23/2020

Status: 1/30/2020-In Assembly. Read first time. Held at Desk.

Location: 1/29/2020-A. DESK

Summary: Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

SB 288

(Wiener D) California Environmental Quality Act: exemptions.

Introduced: 2/13/2019

Last Amend: 6/3/2020

Status: 6/15/2020-Re-referred to Com. on RLS. pursuant to Assembly Rule 96.

Location: 6/15/2020-A. RLS.

Summary: CEQA includes exemptions from its environmental review requirements for numerous categories of projects, including, among others, projects for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use and projects for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes already in use, as specified. This bill would revise and recast the above-described exemptions and further exempt from the requirements of CEQA certain projects for the institution or increase of bus rapid transit and regional rail services on public rail or highway rights of way, as specified, whether or not it is presently used for public transit, as specified, and projects for the institution or increase of passenger or commuter service on high-occupancy vehicle lanes or existing roadway shoulders.

SB 587

(Monning D) California Sea Otter Voluntary Tax Contribution Fund.

Introduced: 2/22/2019

Last Amend: 1/6/2020

Status: 1/23/2020-Read third time. Passed. (Ayes 37. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Location: 1/23/2020-A. DESK

Summary: Current law, until January 1, 2021, establishes the California Sea Otter Fund. Current law requires any new or extended voluntary tax contribution to include the words "voluntary tax contribution" in the name of the fund, to require the administrative agency to include specified information about the fund on its internet website, and to continuously appropriate voluntary tax contributions made to the fund to the administrative agency. Current law requires the minimum contribution amount to a new or extended voluntary tax contribution fund for the second calendar year after the first appearance of the fund on the tax refund form, and each calendar year thereafter,

to be \$250,000. This bill would extend the operation of the above-described provisions relating to the California Sea Otter Fund to January 1, 2028, or until an earlier date if the Franchise Tax Board determines that the amount of contributions estimated to be received during a calendar year will not equal or exceed \$250,000.

SB 899

(Wiener D) Planning and zoning: housing development: higher education institutions, nonprofit hospitals, or religious institutions.

Introduced: 1/30/2020

Last Amend: 5/27/2020

Status: 6/11/2020-Set for hearing June 18.

Location: 6/9/2020-S. APPR. SUSPENSE FILE

Summary: The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. That law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit if the development satisfies certain objective planning standards. This bill would require that a housing development project be a use by right upon the request of an independent institution of higher education, nonprofit hospital, nonprofit diagnostic or treatment center, nonprofit rehabilitation facility, nonprofit nursing home, or religious institution that partners with a qualified developer on any land owned in fee simple by the applicant if the development satisfies specified criteria. The bill would define various terms for these purposes.

SB 902

(Wiener D) Planning and zoning: housing development: density.

Introduced: 1/30/2020

Last Amend: 5/21/2020

Status: 6/11/2020-Set for hearing June 18.

Location: 6/9/2020-S. APPR. SUSPENSE FILE

Summary: Would authorize a local government to pass an ordinance, notwithstanding any local restrictions on adopting zoning ordinances, to zone any parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. In this regard, the bill would require the Department of Housing and Community Development, in consultation with the Office of Planning and Research, to determine jobs-rich areas and publish a map of those areas every 5 years, commencing January 1, 2022, based on specified criteria.

SB 914

(Portantino D) Firearms.

Introduced: 2/3/2020

Last Amend: 5/11/2020

Status: 6/11/2020-Set for hearing June 18.

Location: 6/9/2020-S. APPR. SUSPENSE FILE

Summary: Current law prohibits the purchase or receipt of a firearm by, or the sale or transfer of a firearm to, any person who does not have a firearm safety certificate, as specified. Current law also prohibits the sale or transfer of a firearm by a licensed firearm dealer to a person under 21 years of age. Current law exempts from these provisions the sale, transfer, purchase, or receipt of a firearm, other than a handgun, to

or by a person without a firearm safety certificate, but in possession of a valid, unexpired hunting license, as specified. Current law also exempts the sale or transfer of a firearm, other than a handgun or semiautomatic centerfire rifle, to a person 18 years of age or older who possesses a valid, unexpired hunting license, as specified. This bill would, for purposes of these provisions, define a valid and unexpired hunting license.

SB 974

(Hurtado D) California Environmental Quality Act: small disadvantaged community water system: exemption.

Introduced: 2/11/2020

Last Amend: 6/2/2020

Status: 6/9/2020-Read second time. Ordered to third reading.

Location: 6/9/2020-S. THIRD READING

Summary: Would, with certain specified exceptions, exempt from CEQA certain projects consisting solely of the installation, repair, or reconstruction of water infrastructure, as specified, that primarily benefit a small disadvantaged community water system by improving the small disadvantaged community water system's water quality, water supply, or water supply reliability, by encouraging water conservation, or by providing drinking water service to existing residences within a disadvantaged community where there is evidence that the water exceeds maximum contaminant levels for primary or secondary drinking water standards or where the drinking water well is no longer able to produce an adequate supply of safe drinking water. To qualify for this CEQA exemption, the bill would require these projects to meet certain conditions, including fully mitigating all construction impacts and not affecting wetlands or sensitive habitat.

SB 1046

(Dahle R) Fish and wildlife: catastrophic wildfires: Sierra Nevada region: reports.

Introduced: 2/18/2020

Last Amend: 3/25/2020

Status: 3/25/2020-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Location: 2/18/2020-S. RLS.

Summary: Would require the Department of Fish and Wildlife, in consultation with the Department of Forestry and Fire Protection, on or before December 31, 2021, and by December 31 each year thereafter, to study, investigate, and report to the Legislature on the impacts on wildlife and wildlife habitat resulting from any catastrophic wildfire, as defined, that occurred within the Sierra Nevada region during that calendar year, including specified information on a catastrophic wildfire's impact on ecosystems, biodiversity, and protected species. For the report required to be submitted on or before December 31, 2021, the bill would also require the report to include information about catastrophic wildfires that occurred in the Sierra Nevada region during the calendar years 2017 to 2020, inclusive.

SB 1048

(Borgeas R) Advisory bodies.

Introduced: 2/18/2020

Status: 2/27/2020-Referred to Com. on RLS.

Location: 2/18/2020-S. RLS.

Summary: Current law abolishes specified advisory bodies of various state agencies, boards, and commissions. This bill would make a nonsubstantive change to those provisions.

SB 1089

(Archuleta D) Law enforcement: training policies.

Introduced: 2/19/2020

Status: 2/27/2020-Referred to Com. on RLS.

Location: 2/19/2020-S. RLS.

Summary: Current law establishes the Commission on Peace Officer Standards and Training in the Department of Justice and requires the commission to adopt rules establishing minimum standards regarding the recruitment of peace officers. Existing law requires the commission to develop guidelines and implement courses of instruction regarding racial profiling, domestic violence, hate crimes, vehicle pursuits, and human trafficking, among others. Current law requires the commission to implement a course or courses of instruction for the regular and periodic training of law enforcement officers in the use of force. This bill would make a technical, nonsubstantive change to those provisions.

SB 1128

(McGuire D) Commercial fishing: inspection: crab traps: eviscerated Dungeness crab.

Introduced: 2/19/2020

Last Amend: 3/26/2020

Status: 5/12/2020-Referral to Coms. on HEALTH, and JUD. rescinded due to the shortened 2020 Legislative Calendar.

Location: 5/12/2020-S. HEALTH

Summary: Would require a person who holds a commercial fishing license or a commercial fish business license, upon request of an authorized agent or employee of the Department of Fish and Wildlife, to immediately relinquish, at no charge, a fish or parts of a fish caught or landed in California to the department for the purpose of collecting a biological sample. Because a violation of this provision would be a crime, this bill would impose a state-mandated local program.

SB 1168

(Morrell R) State agencies: licensing services.

Introduced: 2/20/2020

Last Amend: 5/13/2020

Status: 6/11/2020-Set for hearing June 18.

Location: 6/9/2020-S. APPR. SUSPENSE FILE

Summary: Would require a state agency that issues any business license to establish a process for a person or business that is experiencing economic hardship as a result of an emergency caused by a virus to submit an application for deferral of fees required by the agency to obtain a license, renew or activate a license, or replace a physical license for display.

SB 1175

(Stern D) Animals: prohibitions on importation and possession of wild animals: live animal markets.

Introduced: 2/20/2020

Last Amend: 6/2/2020

Status: 6/11/2020-Set for hearing June 18.

Location: 6/9/2020-S. APPR. SUSPENSE FILE

Summary: Would require the Department of Fish and Wildlife to immediately suspend any authorization to import a wild animal species into the state when the evidence suggests zoonotic transmission from this species, or a closely related species, could be responsible for a novel, readily transmissible human disease in order to protect the public health. The bill would prohibit the department from authorizing the importation of any individual animals of a wild animal species that could be responsible for zoonotic transmission of a readily transmissible human disease until a robust testing protocol is implemented to ensure that all individual animals subject to an authorization are not carriers.

SB 1208

(Monning D) Wildlife: dudleya: taking and possession.

Introduced: 2/20/2020

Last Amend: 3/25/2020

Status: 3/25/2020-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Location: 2/20/2020-S. RLS.

Summary: The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species and to add or remove species from either list if it finds, upon the receipt of sufficient scientific information, as specified, and based solely upon the best available scientific information, that the action is warranted. The commission has listed certain species of dudleya as threatened or endangered under the act. This bill would make it unlawful to uproot, remove, harvest, or cut dudleya, as defined, from land owned by the state or a local government or from property not their own without written permission from the landowner in their immediate possession, except as provided, and would make it unlawful to sell, offer for sale, possess with intent to sell, transport for sale, export for sale, or purchase dudleya uprooted, removed, harvested, or cut in violation of that provision.

SB 1231

(Monning D) Endangered species: take: Santa Cruz long-toed salamander.

Introduced: 2/20/2020

Last Amend: 5/6/2020

Status: 6/11/2020-Read third time. Passed. (Ayes 39. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

Location: 6/11/2020-A. DESK

Summary: Would permit the Department of Fish and Wildlife to authorize under the California Endangered Species Act,, by permit, the take of the Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) resulting from impacts attributable to the construction along the State Route 156 corridor through Moro Cojo Slough in the County of Monterey for the purpose of enhancing safety and access, if certain conditions are satisfied. The bill would also provide that those conditions are subject to amendment if required by a certain monitoring program and adaptive management process. The bill would also make a conforming change.

SB 1235

(Caballero D) Administrative Procedure Act: adverse economic impact.

Introduced: 2/20/2020

Last Amend: 3/25/2020

Status: 3/25/2020-From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.

Location: 2/20/2020-S. RLS.

Summary: Current law requires a state agency proposing to adopt, amend, or repeal a major regulation, on or after November 1, 2013, to prepare a standardized regulatory impact analysis in the manner prescribed by the Department of Finance that addresses, among other things, the creation or elimination of jobs within the state. This bill, among other things, would delete the requirement that a state agency prepare an economic impact assessment for proposed changes to a major regulation proposed prior to November 1, 2013, and would instead require a state agency to prepare a standardized regulatory impact analysis for proposed changes to all major regulations. The bill would require that the economic impact assessment and the standardized regulatory impact analysis also include identification of each regulation adopted within 10 years prior to the date of the proposed regulations when the prior adopted regulations are located in the same title or division as the proposed regulations and include a brief summary of any economic impact analysis previously performed with regard to those regulations.

SB 1248

(Borgeas R) Forestry: timber harvesting plans: exemptions.

Introduced: 2/21/2020

Status: 3/5/2020-Referred to Com. on RLS.

Location: 2/21/2020-S. RLS.

Summary: The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and approved by, the Department of Forestry and Fire Protection. The act authorizes the State Board of Forestry and Fire Protection to exempt from some or all of those provisions of the act a person engaging in specified forest management activities, as prescribed, including the cutting or removal of trees on the person's property that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuel break, known as the Small Timberland Owner Exemption. This bill would make nonsubstantive changes to the above provision relating to the exemptions.

SB 1296

(Durazo D) Natural resources: the Nature and Parks Career Pathway and Community Resiliency Act of 2020.

Introduced: 2/21/2020

Last Amend: 6/2/2020

Status: 6/11/2020-Set for hearing June 18.

Location: 6/9/2020-S. APPR. SUSPENSE FILE

Summary: Current law establishes various environmental and economic policies and programs. This bill, upon appropriation by the Legislature, would establish the Nature and Parks Career Pathway and Community Resiliency Act of 2020, which would require state conservancies and the Wildlife Conservation Board to establish independent grant programs to fund climate mitigation, adaptation, or resilience, natural disaster, and other climate emergency projects, as specified.

SB 1320

(Stern D) Climate change: California Climate Change Assessment.

Introduced: 2/21/2020

Status: 6/11/2020-Set for hearing June 18.

Location: 6/9/2020-S. APPR. SUSPENSE FILE

Summary: Would require the Office of Planning and Research to develop the California Climate Change Assessment, in coordination with the Natural Resources Agency, the State Energy Resources Conservation and Development Commission, and the Strategic Growth Council, and in consultation with partner public agencies designated by the office. The bill would require the office to conduct the assessment every 2 years and to publish the assessment in October of each odd-numbered year. The bill would require the assessment to assess and report the impacts and risks of climate change and identify potential solutions to inform legislative policy, as provided. The bill would require the assessment to include sector-specific liability projections that assess the impacts of climate change under varied emissions scenarios for the years 2025, 2030, 2050, and 2100.

SB 1392

(Bradford D) Peace officers: basic course of training.

Introduced: 2/21/2020

Status: 3/12/2020-Referred to Com. on RLS.

Location: 2/21/2020-S. RLS.

Summary: Current law requires every peace officer to have satisfactorily completed an introductory training course prescribed by the Commission on Peace Officer Standards and Training. Current law requires each applicant for admission to a basic course of training certified by the commission that includes the carrying and use of firearms, who is not sponsored by a local or other law enforcement agency, or is not a peace officer, to submit written certification to the Department of Justice that the applicant has no criminal history background that would disqualify them from possessing a firearm. This bill would make technical, nonsubstantive changes to these provisions.

SB 1405

(Galgiani D) Marine mammals: protection of cetaceans: unlawful activities.

Introduced: 2/21/2020

Status: 2/24/2020-From printer. May be acted upon on or after March 25. Read first time.

Location: 2/21/2020-S. RLS.

Summary: Current law makes it unlawful to hold in captivity an orca, whether wild caught or captive bred, for any purpose, including for display, performance, or entertainment purposes; to breed or impregnate an orca held in captivity; to export, collect, or import the semen, other gametes, or embryos of an orca held in captivity for the purpose of artificial insemination; or to export, transport, move, or sell an orca located in the state to another state or country. Current law creates certain exceptions to these provisions, including an exception that authorizes an orca located in the state on January 1, 2017, to continue to be held in captivity for its current purpose and, after June 1, 2017, to continue to be used for educational presentations. This bill would expand these provisions to include cetaceans, which the bill would define to mean a whale, dolphin, or porpoise in the order Cetacea.

For more information call:

Clark Blanchard, CDFW Acting Deputy Director at (916) 651-7824

Julie Oltmann, CDFW Legislative Representative at (916) 653-9772

Kristin Goree, CDFW Legislative Coordinator at (916) 653-4183

You can also find legislative information on the web at <http://leginfo.legislature.ca.gov/> and follow the prompts from the 'bill information' link.



Safari Club International

A NON-PROFIT ORGANIZATION ♦ DEDICATED TO CONSERVING WILDLIFE AND PRESERVING HUNTING



SCI CA Coalition

June 5, 2020

The Honorable Anthony Portantino, Chair
Senate Appropriations Committee
California State Senate
State Capitol Building
Sacramento, CA 95814

Position: **STRONGLY OPPOSE POLICY AND FISCAL
IMPACTS**

Location: Senate Appropriations Committee

Re: [SB 1175](#) (Stern) Animals: prohibitions on importation and possession of wild animals: live animal markets (As Amended June 2, 2020)

Dear Senator Portantino and Committee Members:

Safari Club International and Safari Club International Foundation (SCI) is a worldwide Non-Profit organization with the mission to protect the freedom to hunt and to promote wildlife conservation. SCI recognizes hunting as a valuable management tool. SCI currently has over 45,000 members and approximately 4,000 members in California. SCI also has 30,000 California Affiliates, 950,000 U.S. Affiliates and over 7,000,000 International Affiliates. SCI spends millions annually for Wildlife Conservation, Research and Education.

The Safari Club International CA Coalition (SCI CA) continues to oppose SB 1175, as amended June 2, 2020. SCI CA is comprised of the California chapters of Safari Club International (SCI). Please see the attached letter focused on policy objections filed with the Senate Natural Resources and Water Committee on May 14, 2020, SB 1175 is so fiscally irresponsible concerning the use of valuable California resources for wildlife that this separate fiscal letter is needed to highlight the fiscal issues and consequential impact on our own wildlife.

First, SB 1175 is an **expanded** version of [SB 1487](#), vetoed in 2018 by Governor Brown. It will lead to **fruitless litigation** for the state as occurred in New Jersey in 2016 under the Obama Administration. That law was challenged in federal court under the Endangered Species Act (ESA). After New Jersey realized its law was plainly in violation of the ESA, it entered into a consent decree with the plaintiffs. New Jersey agreed that its law was illegal and preempted to the extent it applied to wildlife for which the U.S. Fish and Wildlife Service (USFWS) granted import permits or authorizations. Order and Judgment, *Conservation Force v. Porrino*, Case No. 16-4124 (D.N.J.), ECF 18 *August 29, 2016) (“the State recognizes the Act would be preempted and unenforceable against a person or entity for activities which are authorized by a permit or exemption provided for in the ESA or in any regulation which implements the ESA....”); *see also Conservation Force v. Porrino*, No. CV1604124FLWLHG, 2017 WL 1488129, at *1 (D.N.J. Apr. 25, 2017) (describing earlier ruling in case as “this Court’s August 29, 2016 entry of a consent Order and Judgment finding elements of N.J.S.A. 23:2A-6.1 (the “Act”) to be preempted under the Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1543). **California should not enact a law that is contrary to federal law and that will expose it to the expense of defending inevitable and unwinnable legal challenges.**

This bill combines several different topics in one bill and creates confusion by comingling live animal markets with legitimate hunting experiences, requiring **multiple agency regulatory engagement** such as the California

Department of Food and Agriculture, Department of Fish and Wildlife, and likely the Department of Justice and, of course, local enforcement entities including the Judiciary.

The game species covered by these provisions have not been identified as presenting human health risk, but primates, birds and bats do seem to be the origins of the majority of pathogens as stated by major global health and security experts. **Science and facts matter** as we have learned **in discussion of pandemics**, and it is **irresponsible** to use a pandemic as a shield to smear and promote anti-hunting measures in the name of public health and safety. There are strict import controls in place currently, and the African species referenced in this bill have never been linked to an outbreak of a disease.

The Department of Finance in 2018 indicated costs for SB 1487, a pared-back version of SB 1175, would have required, if enacted, 12 new positions and **\$3 Million** from the **General Fund** for startup and \$2.8 Million of **General Fund** ongoing to support enforcement activities and develop protocols for testing and handling species. It is important to note this bill **expands on the definition** of Iconic African Species to add pangolin and baboons, to name a few, thus **increasing the fiscal impacts** even more. This, of course, does not anticipate the addition of the new policy included which regulates live animal markets. While we do not oppose these live animal provisions on policy, the fiscal impacts need to be evaluated and calculated. **None of this was anticipated in the Fiscal Year 2020-21 Budget proposal.**

The Legislature in 2018 adopted trailer bill language in the Budget to require the Department of Fish and Wildlife (DFW) to undergo an **independent service-based budget review** to evaluate its revenue structure and programs. Many stakeholder organizations have been participating in that activity, and SB 1175 **undermines** that work and layers new programs on top of a **struggling agency**, thus adding increased burdens to **overly stressed law enforcement** personnel while limiting their efforts to manage our own resources in the state.

The May Revise of the FY 2020-21 Budget acknowledges the impact of our current fiscal situation on the DFW. While the budget process is pending, it is clear the Department is financially strained, and it is proposed that the General Fund expenditure be reduced by **\$33.7 Million**, anticipating that the federal government will backfill these losses. **It is not lost on observers that SB 1175 is attempting to pre-empt federal and international laws and procedures to regulate other countries' wildlife while, at the same time, the state is asking for federal financial assistance to support and backfill our own wildlife in California.**

The Legislature, in its June 4, 2020 Floor Report response to the May Revise, appropriately rejected the reduction of this important funding, and the obligation to existing programs and implementation of statutes need to be completed before piling on an additional workload to a department that was undergoing financial challenges heading into the budget year.

A few observations on the impact on our resources and current programs and prior obligations with taxpayer dollars outlined in the May Revise below. These should be prioritized before considering new programs:

- 1) 3600, issue 222 adds \$757,000 to the Fish and Game Preservation Fund to **align** expenditures and revenues for 12 dedicated accounts. This glaringly demonstrates the current Department revenues are already less than needed to manage existing programs
- 2) 3600, Issues 331-341 **would delete \$9.3 Million** from the Department's **service based programs** which includes modernization, biodiversity and regulatory efficiencies to protect and preserve California's natural resources
- 3) 3600, Issue 335, would delete \$2.742 million originally budgeted to pay for a **bobcat population** assessment and management plan and the plan's implementation. This is part of the obligation of prior legislation. The Legislature, in its June 4, 2020 Floor Report response to the May Revise, appropriately approved the continuation (rather than deletion) of this important funding

The State of California is consistently among the top states benefiting from the receipt of federal excise taxes via the [Pittman-Robertson Federal Aid in Wildlife Restoration Act](#) and the [Dingell-Johnson/Wallop-Breaux Federal Aid in Sport Fish Restoration Act](#).

These federal excise taxes collected in each state and U.S. Territory on the sale of hunting and fishing licenses and equipment, including shooting equipment and boat fuel, are returned to the state on a pro-rata basis in the form of grants that support state conservation programs.

As California sportsmen and women, we are proud of the level of financial ranking we have generated for conservation and our resources. In this year's [ranking](#) released by the **Department of Interior**, California ranked **third** overall in funding grants received.

In 2020, California received \$17,703,209 for sportfish restoration and \$19,541,968 for wildlife restoration for a total of \$37,245,177. This **is equivalent to a third of the entire proposed Fish and Game Preservation Fund Budget** for FY 2020-21, and more will be generated as the year progresses.

SB 1175, by decreasing hunting opportunities, will be decreasing revenue to our state for conservation programs both directly into the state coffers and through the federal excise tax program discussed above. This is very counterproductive to the state's resources. Additionally, the Department's important [R3 program](#) (Recruitment, Retention, Reactivation) that seeks to increase and retain sportsmen's and sportswomen's numbers and thus excise tax revenue is **undermined by SB 1175** goals and the author's statement that he questions the "efficacy" of hunting in general.

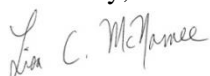
Africa's resource and conservation programs are best managed by their experts and by international well-established standards. While perhaps well-intentioned, bills like SB 1175 **undermine Africa's wildlands programs** as expressed by numerous African countries. The unintended consequence will be wildland clearing for development, something that works **counter to climate change** goals, and we should be supporting their efforts to preserve African wildlands. Maintenance and management of their resources and open spaces as wildlands assist in preventing further pandemics as documented by Ebola and other deadly diseases.

Several African countries have weighed in asking California to **respectfully not interfere** in their economies, wildlife and conservation decisions. A few of the countries that have weighed in with formal communication include, but are not limited to, the **United Republic of Namibia**, the **United Republic of Tanzania**, the **Republic of Zambia**, and the **Republic of Zimbabwe**. SB 1175 directly interferes in their community vitality, social programs and partnerships.

For these reasons, SCI CA opposes the enactment of SB 1175 as currently amended on policy and fiscal grounds.

Should you have any questions, please contact our legislative advocate, Kathryn Lynch, at (916) 443-0202 or lynch@lynchlobby.com.

Sincerely,



Lisa C. McNamee
Co-Legislative Coordinator
SCI CA Coalition



Don Giottonini
Co-Legislative Coordinator
SCI CA Coalition

cc: Ms. Rachel Wagoner, Deputy Legislative Secretary, Governor's Office
Ms. Ashley Ames, Consultant, Senate Appropriations Committee

Ms. Emily Reeb, Consultant, Senate Republican Caucus
Senate Appropriations Committee Members
Resources Unit, Department of Finance
Senator Toni Atkins, Senate pro Tempore
Senator Shannon Grove, Minority Leader
Mr. Charlton Bonham, Director, Department of Fish and Wildlife
Ms. Melissa Miller-Henson, Executive Director, Fish and Game Commission
Ms. Kathryn Lynch, Legislative Advocate
SCI CA Coalition

Attachments: SCI CA Coalition Letter to Senate Natural Resources & Water Committee, filed May 14, 2020
SCI Letter to Legislature re Sportsmen's Contributions to Conservation Programs



Safari Club International

A NON-PROFIT ORGANIZATION ♦ DEDICATED TO CONSERVING WILDLIFE AND PRESERVING HUNTING



SCI CA Coalition

May 14, 2020

The Honorable Henry Stern
California State Senate
State Capitol Building
Sacramento, CA 95814

Position: Oppose

Location: Senate Natural Resources and Water Committee

Re: SB 1175 (Stern) Animals: prohibitions on importation and possession of wild animals: live animal markets (As amended May 13, 2020)

Dear Senator Stern:

Safari Club International and Safari Club International Foundation (SCI) is a worldwide Non-Profit organization with the mission to protect the freedom to hunt and to promote wildlife conservation. SCI recognizes hunting as a valuable management tool. SCI currently has over 45,000 members and approximately 4,000 members in California. SCI also has 30,000 California Affiliates, 950,000 U.S. Affiliates and over 7,000,000 International Affiliates. SCI spends millions annually for Wildlife Conservation, Research and Education.

The Safari Club International CA Coalition (SCI CA) continues to oppose SB 1175, as amended May 13, 2020. SCI CA is comprised of the California chapters of Safari Club International (SCI).

SCI CA's **opposition** is **specific** to **Section 1(b) and Section 3** of the bill, the Iconic African Species Protection Act.

SB 1175 is lacking any scientific basis. Contrary to the representation in Section 1(b), the world's largest populations of elephants, lions, black and white rhinos, and other species exist in the countries where they are hunted. Despite the lack of scientific support and despite the existence of clear evidence that hunting benefits both conservation and local community livelihoods, the bill would prohibit the importation into and possession in California of several specified species, and parts thereof, of game animals lawfully taken by hunters in African countries. The apparent goal of the legislation is to discourage residents of California from hunting these species in Africa.

The bill, if enacted, would be contrary to the federal Endangered Species Act (ESA), and therefore invalid and preempted with regard to its coverage of most of the covered species. The ESA provides that:

Any State law or regulation which applies with respect to the importation or exportation of, or interstate or foreign commerce in, endangered species or threatened species is void to the extent that it may effectively (1) permit what is prohibited by this chapter or by any regulation which implements this chapter, or (2) prohibit what is authorized pursuant to an exemption or permit provided for in this chapter or in any regulation which implements this chapter.

16 U.S.C. § 1535(f) (emphasis added).

Federal courts in California have relied on this provision to invalidate State laws that sought to restrict trade in federally listed species. *Man Hing Ivory & Imps., Inc. v. Deukmejian*, 702 F.2d 760, 761 (9th Cir. 1983); *Fouke Co. v. Brown*, 463 F. Supp. 1142 (E.D. Cal. 1979).

Other courts have also relied on the ESA to preempt State laws that applied to hunting trophy imports. The State of New Jersey enacted a law similar to SB 1175 in 2016. That law was challenged in federal court under the ESA. After New Jersey realized its law was plainly in violation of the ESA, it entered into a consent decree with the plaintiffs. New Jersey agreed that its law was illegal and preempted to the extent it applied to wildlife for which the U.S. Fish and Wildlife Service (USFWS) granted import permits or authorizations. Order and Judgment, *Conservation Force v. Porrino*, Case No. 16-4124 (D.N.J.), ECF 18 *August 29, 2016) (“the State recognizes the Act would be preempted and unenforceable against a person or entity for activities which are authorized by a permit or exemption provided for in the ESA or in any regulation which implements the ESA....”); *see also Conservation Force v. Porrino*, No. CV1604124FLWLHG, 2017 WL 1488129, at *1 (D.N.J. Apr. 25, 2017) (describing earlier ruling in case as “this Court’s August 29, 2016 entry of a consent Order and Judgment finding elements of N.J.S.A. 23:2A-6.1 (the “Act”) to be preempted under the Endangered Species Act of 1973, 16 U.S.C. §§ 1531-1543). California should not enact a law that is contrary to federal law and that will expose it to the expense of defending inevitable and unwinnable legal challenges.

This bill ignores the tremendous conservation benefits of regulated and sustainable hunting in Africa (and around the world). As recognized by the USFWS, the Convention on the International Trade in Endangered Species (CITES), the International Union for the Conservation of Nature (IUCN), the range countries in Africa, and many organizations, hunting of African species supports conservation and anti-poaching efforts. The revenue from hunts by U.S. citizens supports not only the range countries’ management efforts through fees and licenses but is shared with the local communities and residents who must co-exist with these animals. When the animals are seen as valuable, the local community members support conservation and management efforts, to the benefit of the species. In addition, guides and outfitters have the revenue—and incentive—to protect the animals against poachers. Finally, the mere presence of hunters and their guides in the field provides law enforcement against poachers.

African countries take very seriously the management and conservation of their native wildlife. They understand that if they do not properly manage their wildlife, they will lose an important and valuable natural resource. They set quotas that are sustainable. As explained above, the revenue from sport hunters helps these efforts. Consequently, the bill would actually undermine efforts that are designed to and have proven effective at enhancing the conservation of the identified wildlife the bill purports to protect.

SCI members and others harvest the species that would be banned by SB 1175 for their own personal use, not for commercial purposes. Other California laws that address wildlife outside of California focus on regulating the sale of such wildlife. Penal Code § 653o. SB 1175 goes way beyond that to prohibit mere possession of the enumerated species.

For non-ESA listed species on the list, the State can point to no valid scientific reasons to ban their importation and possession. For listed species, the USFWS has determined and will continue to determine, based on scientific research and on-the-ground data, when importation into the United States benefits the conservation of the species. The USFWS relies on import permitting as its primary tool to influence and encourage conservation policy in other countries. California, which lacks expertise to make these determinations, should not adopt legislation that second-guesses and/or contradicts the USFWS.

The bill proposes the imposition of severe criminal and administrative penalties for activities that involve the legal harvest of animals and are sanctioned or not prohibited by the USFWS. It would result in the undue deprivation of lawful pursuits by California citizens, in violation of 42 U.S.C. § 1983.

Furthermore, in subdivision (c) of the amended bill's findings and declarations (Section 1), SB 1175 urges the legislature to "...provide protection in the California Endangered Species Act...". Although it is not specific relative to its intended application, presumably this is in reference to Sec. 3, the Iconic African Species Protection Act.

It should be noted that the California Endangered Species Act is specific to native species only. Non-California species, such as African species, are not included within its scope.

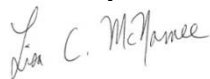
In view of the foregoing, it is requested that the bill be amended to include only the sections (Section 2 and Sections 4 through 7) that apply to preventing diseases that are carried by, and can be transmitted by, imported live wild animals and through those sold in live animal markets. Those sections represent an appropriate response to concerns related to the COVID-19 pandemic and transmission of zoonotic diseases. However, SCI CA respectfully requests amendments to Section 2(c)(1) to (3), to clarify that the California Department of Fish and Wildlife has authority to suspend imports of live specimens of wild animal species. This amendment would be consistent with the language of existing law.

If amended to delete Section 1 (b) ,Section 3 and clarify Section 2 (c)(1) to (3) as recommended above SCA CA would withdraw its opposition to the bill.

For these reasons, SCI CA opposes the enactment of SB 1175 as currently amended.

Should you have any questions, please contact our legislative advocate, Kathryn Lynch, at (916) 443-0202 or lynch@lynchlobby.com.

Sincerely,



Lisa C. McNamee
Co-Legislative Coordinator
SCI CA Coalition



Don Giottonini
Co-Legislative Coordinator
SCI CA Coalition

cc: Ms. Rachel Wagoner, Deputy Legislative Secretary, Governor's Office
Ms. Katharine Moore, Consultant, Senate Natural Resources and Water Committee
Mr. Todd Moffitt, Consultant, Senate Republican Caucus
Ms. Kathryn Lynch, Legislative Advocate
SCI CA Coalition



Safari Club International

A NON-PROFIT ORGANIZATION ♦ DEDICATED TO CONSERVING WILDLIFE AND PRESERVING HUNTING



SCI CA Coalition



March 31, 2020

To: The Honorable Members of the California Legislature

Re: Sportsmen's/Sportswomen's Contributions to State Wildlife Management, Wildlife Habitat Restoration and Preservation, and Conservation -- U.S. Department of the Interior Releases Sportsmen's/Sportswomen's Contributions to the State's Resources – California Ranked #3 in Revenue

Dear Members of the California State Legislature:

America's sportsmen and sportswomen generated nearly \$1 billion in federal excise taxes last year via the [Pittman-Robertson](#) Federal Aid in Wildlife Restoration Act and the [Dingell-Johnson/Wallop-Breaux](#) Federal Aid in Sport Fish Restoration Act.

These funds, which are generated through federal excise taxes collected in each state and U.S. territory on the sale of hunting and fishing licenses and equipment, shooting equipment, and boat fuel by the U.S. Fish and Wildlife Service, are returned to the states and territories on a pro-rata basis in the form of grants that support state conservation programs.

As sportsmen and women in California, we are proud of the level of the financial ranking we generate for conservation and California's resources. In the newly released press release from the Department of the Interior, California ranked **third highest** among the states and territories in funding grants received from revenues generated through the excise taxes. Please see the ranking by state in the attached [document](#) from the Department of the Interior.

In 2020 to date, California has received \$17,703,209 for sportfish restoration and \$19,541,968 for wildlife restoration, making the total amount received so far this year \$37,245,177.

This is equivalent to a third of the entire proposed Fish and Game Preservation Fund Budget for 2020-2021, and even more federal excise tax funds will be generated from sportsmen's and sportswomen's purchases for Department of Fish and Wildlife (DFW) programs as the year progresses.

The Governor's current State Budget Proposal for 2020-2021 would provide total funding for the State Department of Fish and Wildlife in the amount of \$659,362,000.

There is also the Department's important [R3](#) program (Recruitment, Retention, Reactivation) that seeks to increase and retain sportsmen's and sportswomen's numbers and thus excise tax

revenues from their purchases of hunting and fishing licenses and equipment, shooting equipment and boat fuel.

Since the Federal excise taxes are paid almost entirely by sportsmen and sportswomen, any state governmental action that adversely affects them also dramatically affects the budget of the department because DFW receives a major portion of its funding from the federal excise tax grants. All of this money is dedicated to our resources in California, and that benefits all Californians.

Attachment 1: U.S. Department of the Interior Press Release, Sportsmen and Sportswomen
Generate Nearly \$1 Billion in Conservation Funding
Attachment 2: California Proposed Legislation that Hurts Our Resources and Is Anti-
Conservation

cc: The Honorable Gavin Newsom, Governor
Department of Finance
Legislative Analyst's Office
Department of Fish and Wildlife
Fish and Game Commission

Safari Club International and Safari Club International Foundation (SCI) is a worldwide Non-Profit organization with the mission to protect the freedom to hunt and to promote wildlife conservation. SCI recognizes hunting as a valuable management tool. SCI currently has over 45,000 members and approximately 4,000 members in California. SCI also has 30,000 California Affiliates, 950,000 U.S. Affiliates and over 7,000,000 International Affiliates. SCI spends millions annually for Wildlife Conservation, Research and Education.