



AJR 2 (Peace), which would request the President, the Congress, the U.S. Department of the Interior, and the U.S. Department of Defense to halt Lease Sale 95 off the coast of San Diego County, passed the Assembly on May 25 and is pending in the Senate Committee on Natural Resources and Wildlife.

AB 36 (Hauser), which would prohibit the State Lands Commission from leasing all state-owned tide and submerged lands situated in Mendocino and Humboldt counties for oil and gas purposes until January 1, 1995, is still pending in the Senate Governmental Organization Committee.

AB 145 (Costa) would enact the California Wildlife, Park, Recreation, Coastal, History, and Museum Bond Act of 1990 which, if approved by voters, would finance programs for the acquisition, development, rehabilitation or restoration of real property for specified purposes. The bond act would be submitted to the voters in the June 1990 election. This bill is pending in the Assembly Ways and Means Committee.

SB 204 (Stirling), which would extend the termination date of a program of research on the artificial propagation and distribution of adversely affected marine fish species from January 1, 1990, to January 1, 1993, passed the Senate on April 13 and is pending in the Assembly Committee on Water, Parks and Wildlife.

AB 206 (Allen), which would include the recreational fishing industry within the scope of a program which provides funds to address the impacts of oil and gas exploration or development, is still pending in the Assembly Natural Resources Committee.

SB 332 (McCorquodale), which would revise the Commission's procedures for certification or refusal of certification of land use plans (LUPs) or proposed LUPs by deleting the current requirements for identifying substantial issues for conformity with the policies of the California Coastal Act of 1976, and for holding a public hearing on those issues, passed the Senate on April 13 and is pending in the Assembly Ways and Means Committee. This bill would also extend the current time limit under which the Commission is required to hold a public hearing on coastal development permit applications and appeals from 49 days after the application or appeal to 60 days thereafter.

AB 431 (Hansen), which would increase from \$50,000 to \$100,000 the amount the State Coastal Conservancy is authorized to provide for the cost of

preparing local coastal restoration and resource enhancement plans, is pending in the Senate Appropriations Committee. As amended May 24, this bill would authorize the Conservancy to loan funds to nonprofit organizations to acquire temporarily a site for later acquisition by a state or local public agency.

SB 467 (Davis), which would authorize the Coastal Commission and its Executive Director to issue cease and desist orders if it is determined that any person or governmental agency has undertaken, or is threatening to undertake, any activity that may require a permit from the Commission without securing a permit or that may be inconsistent with any permit previously issued by the Commission, passed the Senate on June 8 and is pending in the Assembly Health Committee. The bill would also provide for judicial review of the cease and desist orders, and would provide for civil liability in a sum not to exceed a specified amount for intentionally or negligently violating cease and desist orders issued, revised, or amended by the Commission or the Executive Director.

AB 678 (Frizzelle), which would change the LCP requirements to include drainage channels or drainage ditches within the provision requiring channelizations, dams, or other substantial alterations of rivers or streams to incorporate the best mitigation measures feasible to protect specified flood control projects or developments where the primary function is the improvement of fish and wildlife habitat, is still pending in the Assembly Natural Resources Committee.

AB 874 (Farr), which would amend sections 30235 and 30253 of the Public Resources Code to require the Commission to thoroughly evaluate nonstructural methods of shoreline protection, make a determination as to feasibility prior to granting a permit for a structure, and prohibit new development from requiring construction of protective services that significantly adversely affect shoreline processes as well as those that substantially alter natural landforms, is pending in the Assembly Ways and Means Committee.

LITIGATION:

In *California Coastal Commission v. Office of Administrative Law, et al.*, No. A039702 (1st Dist., May 17, 1989), the First District Court of Appeal affirmed a trial court judgment that certain interpretive guidelines of the Coastal Commission are not subject to the Administrative Procedure Act (APA).

The Pacific Legal Foundation (PLF)

had filed a request for determination with the Office of Administrative Law (OAL), seeking a ruling that certain specific Commission interpretive guidelines relating to coastal development permit applications are regulations within the meaning of the APA, and thereby subject to OAL review. OAL found that the guidelines are governed by the APA and declared them "invalid and unenforceable" until adopted pursuant to the APA and approved by OAL. The Commission instituted an action in superior court challenging OAL's determination. The trial court granted summary judgment in the Commission's favor, based on the California Supreme Court's ruling in *Pacific Legal Foundation v. California Coastal Commission*, 33 Cal. 3d 158 (1982). In that case, the Supreme Court upheld several permanent interpretive guidelines adopted by the Commission pursuant to Public Resources Code (PRC) section 30620(a)(3). PRC section 30333 provides that Commission rulemaking is generally subject to the APA, except as provided in Health and Safety Code section 18930 and PRC section 30620(a)(3). As the guidelines here challenged by PLF and OAL were adopted under section 30620(a)(3), the First District affirmed.

RECENT MEETINGS:

At its April 12 meeting in San Diego, the Commission decided to approve the City of San Diego's request for another extension to allow the City to use Fiesta Island as a base to dry sludge left over after treating waste water. (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 101-02 for background information.) The City will be able to dry sludge on the Mission Bay island until 1994. The City will have to pay some mitigation damages and is required to make various improvements on the island.

FUTURE MEETINGS:

August 8-11 in Eureka.
September 12-15 in Marina del Rey.

DEPARTMENT OF FISH AND GAME

Director: *Pete Bontadelli*
(916) 445-3531

The Department of Fish and Game (DFG) manages California's fish and wildlife resources. Created in 1951 as part of the state Resources Agency, DFG regulates recreational activities such as sport fishing, hunting, guide services and



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hunting club operations. The Department also controls commercial fishing, fish processing, trapping, mining and gamebird breeding.

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

The Fish and Game Commission (FGC) is the policymaking board of DFG. The five-member body promulgates policies and regulations consistent with the powers and obligations conferred by state legislation. Each member is appointed to a six-year term.

As part of the management of wildlife resources, DFG maintains fish hatcheries for recreational fishing, sustains game and waterfowl populations and protects land and water habitats. DFG manages 100 million acres of land, 5,000 lakes, 30,000 miles of streams and rivers and 1,100 miles of coastline. Over 1,100 species and subspecies of birds and mammals and 175 species and subspecies of fish, amphibians and reptiles are under DFG's protection.

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

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

MAJOR PROJECTS:

FGC Finally Lists Sacramento River Winter-Run King Salmon as Endangered. A recent turn of events lauded by environmentalists has resulted in the FGC's listing of the Sacramento winter-run king (chinook) salmon as endangered under the state Endangered Species Act.

At its March meeting in Redlands, the Commission once again denied endangered status designation to the salmon, whose population numbered 60,000-120,000 in the 1960s. (See CRLR

Vol. 7, No. 4 (Fall 1987) p. 94 for background information.) However, at its April 27 meeting, at the request of the Sacramento River Preservation Trust, FGC decided to reconsider that decision in light of evidence that only 2,085 of the fish remain, and asked for a recommendation from DFG on whether the salmon should be listed at this time.

At its May 16 meeting, the Commission was presented with new evidence that only 600 salmon remain. It also reviewed a ten-point plan developed by a joint state-federal task force to restore the winter-run salmon, and determined that problems encountered by the task force, in combination with the two-year drought which has plagued northern California, require immediate action. FGC voted 4-0 for endangered status, the most severe of the classifications under the Endangered Species Act.

FGC subsequently noticed its proposal to add section 670.5(a)(2)(m), Title 14 of the California Code of Regulations (CCR), to officially add the winter-run king salmon to the endangered species list. A formal regulatory hearing was scheduled for August 4 in Santa Rosa.

FGC Rejects Request to Advance Decision on Desert Tortoise. At its April 6 meeting in Sacramento, FGC rejected a request from Defenders of Wildlife and the Desert Tortoise Council to advance the scheduling of a decision on whether to list the desert tortoise as threatened. In February, the Commission had decided to postpone until June a decision on whether to adopt a new subsection of section 670.5, Title 14 of the CCR, which would add the desert tortoise to FGC's list of threatened species. (See CRLR Vol. 9, No. 2 (Spring 1989) pp. 102-03; and Vol. 9, No. 1 (Winter 1989) p. 91 for detailed background information.)

The two groups cited evidence of the tortoise's rapid decline in the desert environment as reason to advance the rulemaking decision. It has been estimated that the tortoise population has declined between 30-70% in the western Mojave Desert. The two groups also pointed to DFG's strong endorsement of a decision to list this species as threatened. DFG supports the listing because the tortoise's population decline has occurred very rapidly, and the declining numbers have a ripple effect throughout the entire desert environment.

Despite these factors, however, FGC refused to move forward the decision date. Without discussion or comment, the Commission stated that a decision will not be advanced from its scheduled

hearing date of June 30.

FGC Proposes New Category of Protection. In May, the FGC proposed amendments to section 670.1, Title 14 of the CCR, which would provide for the establishment of a list of "species of serious concern," in addition to the three existing designations as "rare", "threatened", and "endangered" species. The amendments would also require DFG to prepare recovery plans for threatened and endangered species, as well as for species of serious concern.

The regulatory proposal has environmental groups worried. They are concerned that the adoption of "recovery plans" could become a substitute for giving animals and plants more protective status. While generally agreeing with the idea of recovery plans, these groups point to the language of the amendments as reasons for their fear. As first drafted, the regulation would have allowed the Commission to call for a recovery plan "in lieu of" listing. As currently proposed, the regulation would require DFG to adopt recovery plans for each species given protective status. The Commission would also be able to order a recovery plan for any species not yet listed as threatened or endangered.

At an April 6 public hearing on the proposed amendments, the Commission emphasized that the purpose of this regulatory action is not meant to weaken the California Endangered Species Act, which sets forth major protections for species designated as threatened or endangered. FGC stated that it needs a device to protect those species which are of serious concern because of declining population or habitat, but which do not warrant threatened or endangered status. Moreover, the Commission wants regulations requiring DFG to adopt recovery plans that include measures which will enhance threatened or endangered species so they may eventually be taken off the protective lists.

Assemblymember Robert Campbell, author of the Endangered Species Act, sent his aide Cindy Williams to the Commission's April 6 hearing to express his concerns about the proposed amendments. Williams stated that, as currently drafted, the proposal would weaken the Act.

Over forty people turned out at the April meeting to be heard on this issue. The Commission thus decided to delay its decision on this proposal until its June 22 meeting.

FGC Assists in Otter Relocation Program. At its May meeting, FGC reported that it has received information from the U.S. Fish and Wildlife Service



(USFWS) regarding the progress of its California sea otter relocation program. This program is an attempt to establish a second colony of the otter off the coast of San Nicolas Island south of the Santa Barbara Channel. Presently, the only place these animals are found is off the central California coast near San Luis Obispo.

The California sea otter population is currently estimated at 2,000. At the turn of the century, the otter—hunted for its fur—was believed to be extinct. A small colony was later discovered off the central California coast. Since then, the otter population has climbed to its present level. However, because the population has reached only 2,000 and the entire group is in one place, FGC and USFWS have become concerned that a single event could destroy this species. They hope that by creating a second colony, this species will be able to survive a disaster such as disease in the population or an oil spill.

While the relocation project is federal in nature, DFG is playing an active role, providing USFWS with both personnel and information. Further, an annual report must be presented to the FGC regarding the program's operation. Both the state and federal governments have given the sea otter protective status: the federal government has classified it as a threatened species; and California, while declining to list it as either threatened or endangered, has enacted special legislation to give the otter full protective status within the state's jurisdiction.

The relocation program, which is currently in its second year of operation, has not yet enjoyed statistical success. According to DFG biologist Bill Maxwell, a total of 103 sea otters have been relocated. Of those 103, only 25 remain at the San Nicolas site. Eighteen otters are known to have returned to the primary colony; ten are known dead; and 46 remain unaccounted for. Maxwell stated that it is far from certain that these 46 animals died. He noted that the kelp beds off the island are very thick, and the location tags attached to the animals prior to their release do not function for more than a year. Maxwell asserts that "while the numbers do not show a complete success, the program has not been a dramatic failure either." DFG expects that the program will continue despite the lack of anticipated results.

California Condor Population Increases. DFG's California Condor captive breeding program has succeeded in increasing the bird's population to its

highest level in more than twenty years. Three chicks were hatched in the San Diego Zoo's Wild Animal Park in April and May, bringing the total condor population to 30.

In 1987, DFG officials removed the last remaining California Condors known to exist in the wild and placed them in the captive breeding program in an effort to increase the species' dwindling population. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 94; Vol. 7, No. 3 (Summer 1987) p. 119; and Vol. 6, No. 4 (Fall 1986) pp. 78-79 for background information.) The program's purpose is designed to save the condor from extinction. DFG is confident that the program will continue to increase the bird's population and has tentatively scheduled the condor's reintroduction to the wild for 1992.

Status Update on 1989-90 Hunting Season Regulations. The following is a status update on mammal hunting and trapping regulations adopted by the FGC at its April 27 meeting (see CRLR Vol. 9, No. 2 (Spring 1989) p. 103 for background information):

-Mountain Lions. As expected, DFG declined to recommend a mountain lion hunt for the 1989-90 hunting season. For the last two years, DFG has proposed a mountain lion hunt, only to have the regulation overturned by the courts. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 92 and Vol. 8, No. 4 (Fall 1988) p. 106 for background information.)

Many environmental groups do not discount the possibility that a mountain hunt could easily be proposed for the upcoming hunting season. The continuing controversy has prompted legislation that would impose protective status on these animals and would prohibit a hunt. (See *infra* LEGISLATION.) An initiative is also being prepared that would reinstate the protective status enjoyed by the cougar prior to 1986, and permanently ban lion trophy hunting. This initiative would also provide \$10 million per year for the next thirty years for deer and lion habitat, and \$20 million per year for the next thirty years for threatened and endangered wildlife. The proposed initiative has been filed with the Attorney General's Office and is being reviewed for its fiscal impact. The Wildlife Protection Committee—consisting of representatives from the Sierra Club, Planning and Conservation League, Defenders of Wildlife, and the Mountain Lion Coalition—is sponsoring the initiative and hopes to qualify it for the June 1990 ballot.

-Tule Elk. In spite of the success of

conservation groups in preventing a Tule elk hunt in the past (see CRLR Vol. 8, No. 4 (Fall 1988) p. 106 for background information), the FGC at its April 27 meeting adopted proposed section 364.5, Title 14 of the CCR, which provides for the sport hunting of Tule elk. Currently there is no such regulation. Last year, the Committee for the Preservation of the Tule Elk successfully blocked the proposed hunt in Sacramento Superior Court. DFG decided not to appeal the court's ruling that an environmental impact report prepared by DFG biologists failed to meet the standards of the California Environmental Quality Act (CEQA). For the 1989-90 season, FGC will permit the hunting of the Tule elk with rifles or bows and arrows, but has decided to prohibit the use of dogs.

-Other Mammal Regulations. In April, FGC also adopted regulations for hunting seasons on deer, pronghorn antelope, elk, wild pigs, and black bear. (See *infra* LITIGATION.) FGC's existing section 265, regarding the use of dogs in the pursuit or hunt of mammals, was amended to remove a portion of Mariposa and Tuolumne counties from the dog closure area.

LEGISLATION:

AB 2126 (Felando). Existing law authorizes the taking of shark and swordfish south of a line extending west from Point Arguello under a nontransferable, revocable drift gill net shark and swordfish permit issued annually by DFG. As amended May 2, this bill would authorize the transfer of a drift gill net shark and swordfish permit to specified persons under specified conditions. The transfer would become effective upon the submission of specified notice and information to DFG, and would require a transfer fee of \$1,000. This bill is pending in the Assembly Ways and Means Committee.

AB 2196 (Campbell) would exempt FGC from certain provisions of the Administrative Procedure Act (APA) when conducting a rulemaking proceeding on a petition to list a species as endangered or threatened. Although FGC is required to hold at least two public hearings on any such petition, this bill would provide that only the record from the final hearing is required to be submitted to the Office of Administrative Law, if the Commission determines the petition is warranted. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

AB 2497 (Connelly) would create the California Riparian Habitat Protection and Restoration Program within DFG,



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under which the Department would be required to establish and implement specified projects. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

SB 1462 (Mello). Existing law prohibits the use of set or drift gill or trammel nets, except with mesh size greater than fourteen inches in ocean waters 40 fathoms or less in depth from Point Reyes headlands in Marin County to Waddell Creek in Santa Cruz County. This bill would also prohibit the use of those nets in ocean waters 60 feet or less in depth from the Pillar Point in Half Moon Bay to Point Santa Cruz. Violation would be a misdemeanor. This bill is pending in the Assembly Committee on Water, Parks and Wildlife.

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 2 (Spring 1989) at pages 103-04, and Vol. 9, No. 1 (Winter 1989) at page 91:

AB 1 (Allen), which would establish the Marine Protection Resources Zone around the Channel Islands and prohibit the use of gill nets and trammel nets in the Zone on and after January 1, 1993 (with specified exceptions), is still pending in the Assembly Committee on Water, Parks and Wildlife.

AB 178 (Floyd), as amended May 16, would specifically direct FGC to rewrite its sport fishing and hunting regulations in simple English, and would state that the regulatory changes made pursuant to this bill are exempt from the regulatory program requirements of the CEQA. This bill has passed the Assembly and is pending in the Senate Committee on Natural Resources and Wildlife.

AB 196 (Allen), which would make it unlawful, except as specifically authorized by the Fish and Game Code or regulations thereunder, to pursue, drive, herd, or harass any bird or mammal (with prescribed exceptions), is still pending in the Assembly Committee on Water, Parks and Wildlife.

AB 197 (Allen), which would provide for unspecified fines for persons who unlawfully export, import, transport, sell, possess, receive, acquire, or purchase any bird, mammal, amphibian, reptile, fish, or any listed endangered or threatened species in violation of the Fish and Game Code, is also pending in the Assembly Committee on Water, Parks and Wildlife.

AB 317 (Allen), which would require every person, when engaged in taking any bird, mammal, fish, amphibian, or reptile, to have on his/her person or in his/her immediate possession the license,

tag, stamp, or permit required for the taking of the bird, mammal, fish, amphibian, or reptile, passed the Assembly on June 8 and is pending in the Senate Committee on Natural Resources and Wildlife.

AB 371 (Condit), which would exempt any resident 62 years of age or older from the requirement for a sport fishing license, is pending in the Assembly Ways and Means Committee.

AB 860 (Katz) would return the mountain lion to specially protected status, and would provide for the issuance of special permits by the DFG to take mountain lions which have injured or destroyed livestock, or damaged property. Violation of this provision would be a misdemeanor. As amended May 16, this bill would require DFG to prepare, implement, and monitor the implementation of livestock depredation management plans for the management of mountain lions in areas of concern. This bill is pending in the Assembly Ways and Means Committee.

AB 1222 (Costa), which would extend until January 1, 1994, an existing provision requiring each state lead agency to consult with DFG to ensure that specified actions of the agency are not likely to jeopardize the continued existence of any endangered or threatened species, passed the Assembly on June 1 and is pending in the Senate Committee on Natural Resources and Wildlife.

AB 1619 (Floyd) would have repealed section 713 of the Fish and Game Code, which currently allows DFG to increase the base fee for fish and game licenses, permits, and tags by a specified inflation factor; and would have prohibited the fee charged for any license, stamp, or tag from exceeding the fee in effect on January 1, 1989, unless the fee increase or decrease is approved by statute. This bill failed passage in the Assembly Committee on Water, Parks and Wildlife on May 2.

AB 1652 (Wright) would authorize DFG to renew gill net or trammel net permits to existing holders of permits who meet the qualifications prescribed in the bill; prohibit issuing permits to new persons until there are less than 400 permits issued by the DFG for a particular permit year, as defined; authorize the transfer of permits to persons holding crewmember permits, the issuing of which would be provided for in the bill; and would exempt fishing under limited entry permits to take herring for roe and limited entry shark or swordfish permits from the requirements for the gill net or trammel net permit. This bill

passed the Assembly on May 25 and is pending in the Senate Committee on Natural Resources and Wildlife.

SB 211 (Nielsen), as amended in June, would allow any disabled state or local peace officer or firefighter with a 70% or more occupation-connected disability to receive a sport fishing license for \$2 upon proof of the disability. This bill is pending in the Senate Appropriations Committee suspense file.

SB 212 (Nielsen), as amended in June, would allow any resident 65 years of age or older whose income does not exceed specified amounts and any disabled peace officer or firefighter to obtain a hunting license for a fee of \$2. This bill is also pending in the Senate Appropriations Committee suspense file.

SB 756 (Marks), as introduced, would have prohibited the use or sale of any type of leghold steel-jawed trap in California. As amended in June, this bill would require any person using steel-jawed traps, except specified government officers and employees, to be licensed and the traps to be identified; and would provide for the inspection and removal of animals from the traps. Violation of these provisions would be a misdemeanor. SB 756 is pending in the Senate Appropriations Committee.

SB 763 (Green), which would authorize the FGC to require the owner and operator of a commercial fishing vessel, the holder of a commercial fishing permit, and the owner and license holder of a commercial passenger fishing boat to keep and submit a complete and accurate record of fishing activities in a form prescribed by the DFG, passed the Senate on June 1 and is pending in the Assembly Committee on Water, Parks and Wildlife at this writing.

SB 999 (McCorquodale). Existing law requires the FGC to conduct a final consideration hearing on a petition for the listing of a species as threatened or endangered after the DFG conducts a review of the candidate species and, at that hearing, to determine if the petitioned action is warranted or not. If FGC determines that the listing is warranted, it is then required to publish a notice of proposed rulemaking, and conduct further proceedings pursuant to the APA. As amended June 5, this bill would, if DFG's report concludes the petition is warranted, require FGC to publish the notice of proposed rulemaking in conjunction with scheduling the petition for final consideration, which is to be not more than 60 days after receiving the report on the petition from DFG; and to adopt the rule or regulation at the



final hearing if the petitioned action is warranted. The bill would also, if DFG's report states that the petitioned action is not warranted and FGC disagrees, require FGC to issue a notice of proposed rulemaking and conduct a final hearing on the petitioned action. This bill passed the Senate on May 4 and is pending in the Assembly Ways and Means Committee.

SB 1208 (Keene), as amended in June, would authorize the DFG Director to close any waters or to restrict the taking under a commercial fishing license in state waters of any species or subspecies of fish if the Director of the Department of Health Services determines that species or subspecies is likely to pose a human health risk from high levels of toxic substances. The closure or restriction would be required to be adopted by emergency regulation. This bill passed the Senate on May 18 and is pending in the Assembly Ways and Means Committee.

LITIGATION:

Fund for Animals, et al. v. California Fish and Game Commission, No. 361662 (Sacramento Superior Court). On May 22, the Fund for Animals, Animal Legal Defense Fund, and Wildlife Conservancy filed a petition for a writ of mandate in Sacramento Superior Court to prohibit FGC from offering a black bear hunt in the state this year. Relying on many of the same arguments that were successful in the mountain lion and Tule elk litigations, petitioners here claim that FGC has violated portions of CEQA. Specifically, they argue that DFG must conduct an annual environmental review prior to approving, amending, or leaving intact regulations for the hunting of game animals. These groups claim that there has been a severe decline in the bear population due to poaching, hunting, and loss of habitat. Because no environmental review was conducted in 1989, petitioners claim that it is impossible to tell how threatened this animal has become.

Petitioners tried in vain to convince FGC to conduct an environmental assessment prior to the filing of this lawsuit. At the Commission's April 6 meeting, a representative from the Wildlife Conservancy presented information regarding this issue, but FGC denied the request. During the presentation, two of the commissioners left the room.

The lawsuit asks that an injunction be issued to prevent the taking of these animals until FGC issues an environmental impact statement. At this writing,

the hunt is scheduled to begin on August 10. Petitioners' motion for injunction will be heard on July 27. Judge Cecily Bond, who ruled against DFG in the Tule elk litigation last year, will hear the motion.

RECENT MEETINGS:

At its April 6 meeting in Sacramento, FGC heard an appeal from Sonoma County officials that they be relieved from the obligation to build a "fish ladder" at Healdsburg Dam. The fish ladder is a device that enables fish to migrate around manmade obstructions. Fish and Game Code section 5932 requires the free flow of migratory fish, and DFG had previously determined that fish passage at the site is obstructed by the dam and that Sonoma County must install the ladder. The County disagrees with the Department's findings. It has requested that a new study be conducted to determine whether a problem actually exists. County officials fear that they may be required to spend over one million dollars for the ladder when it may not be necessary. The Commission declined to reverse its previous decision.

Also in April, the Commission heard reports on the increasing salinity of the Salton Sea. This increase has created a host of problems for the state's largest inland body of water. The sea is one of the state's most productive fisheries and is also a migratory waterfowl refuge. The last two years of drought, coupled with the reduction of runoff farm water, has led to the salinity increase. Many saltwater fish cannot survive in this increasingly salty environment, and birds that feed on these fish tend to develop problems as well. The importance of the Salton Sea as a state fishery and wildlife refuge has made the search for a solution to the salinity problem a top Department concern. The Commission has asked that it be kept informed of the situation and possible solutions.

FGC was also apprised of the federal Bureau of Reclamation's attempt to sell an additional 1.5 million acre-feet of water from the Central Valley Water Project. The proposed sale has been assailed by various state agencies because of the lack of water in the state due to the last two years of drought. DFG has asked the Bureau to withdraw its plan to sell the water. The Department is especially concerned because low water levels have already had a disastrous effect on the state's salmon industry. DFG would like the Bureau to hold off on the proposed sale until the state Water Resources Control Board completes its

study of water quality and quantity in the San Francisco Bay and the San Joaquin Delta Estuary. (See *infra* agency report on WRCB; see also CRLR Vol. 9, No. 2 (Spring 1989) pp. 107-08 and Vol. 9, No. 1 (Winter 1989) pp. 94-95 for background information.) DFG wants to ensure that the Bureau's proposed sale does not deplete needed water supplies for other worthy purposes such as fish runs and wildlife enhancement. At this writing, the Bureau has not yet responded to DFG's concerns.

FUTURE MEETINGS:

August 29-30 in Sacramento.

October 5-6 in San Diego.

November 6-7 in Redding.

BOARD OF FORESTRY

Executive Officer: Dean Cromwell (916) 445-2921

The Board of Forestry is a nine-member Board appointed to administer the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code section 4511 *et seq.*). The Board serves to protect California's timber resources and to promote responsible timber harvesting. Also, the Board writes forest practice rules and provides the Department of Forestry and Fire Protection (CDF) with policymaking guidance. Additionally, the Board oversees the administration of California's forest system and wildland fire protection system. The Board members are:

Public: Harold Walt (chair), Carlton Yee, Clyde Small, Franklin L. "Woody" Barnes, and Elizabeth Penaat.

Forest Products Industry: Roy D. Berridge, Clarence Rose and Joseph Russ, IV.

Range Livestock Industry: Jack Shannon.

The Forest Practice Act requires careful planning of every timber harvesting operation by a registered professional forester (RPF). Before logging operations begin, each logging company must retain an RPF to prepare a timber harvesting plan (THP). Each THP must describe the land upon which work is proposed, silvicultural methods to be applied, erosion controls to be used, and other environmental protections required by the Forest Practice Rules. All THPs must be inspected by a forester on the staff of the Department of Forestry and, where appropriate, by experts from the Department of Fish and Game and/or the regional water quality con-