the Act's discharge or exposure prohibitions. It would also exclude discharges exclusively governed by federal law, and by public water systems in response to a public emergency or activities undertaken for public health purposes. This bill is pending in the Assembly Environmental Safety and Toxic Materials Committee.

SB 188 (Alquist) would allow a tax credit equal to 10% of the amount paid for recyclable secondary material purchased after October 1, 1987, and prior to January 1, 1993 and recycled by the taxpayer. The bill would define "secondary material" as material other than hazardous waste, which is utilized in place of a primary or raw material in manufacturing a new product, and includes waste paper and fibers, waste glass, and plastics except recyclable beverage containers as defined in the California Beverage Container Recycling and Litter Reduction Act of 1987. This bill is pending in the Assembly Committee on Revenue and Taxation.

AB 544 (Killea), as amended in January, would enact the Litter Prevention Act of 1988, requiring CWMB to convene a Litter Prevention Task Force. In conjunction with the Board, the Task Force is mandated to develop and implement a litter prevention education program by February 1, 1990. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

AB 3746 (Eastin) would require all state departments and agencies to establish purchasing practices for recycled products. It would establish certain percentage requirements to be administered by the Department of General Services, increasing every two years until 1994 for the purchase of materials, goods, or supplies available as recycled products. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

RECENT MEETINGS:

Public criticism of Board policy and the recent enactment of AB 2020 in 1986—which gave lead responsibility for implementation of the "bottle bill" to the Department of Conservation—has given the Board impetus to reexamine its recycling policies. At its January meeting, the Board outlined three reasons which have led to the need for reassessing the importance of recycling: (1) diminishing landfill capacity; (2) local opposition to landfills and waste-to-energy plant siting; and (3) the positive public image of recycling.

The Board staff has developed a legislative proposal entitled "The Recycling Programs and Market Development Act of 1988," which is being circulated to public and private solid waste industry officials, legislative staff, environmentalists, and the general public for comments. The legislative proposal has three components. Part I is a public information program which would develop a quarterly recycling journal, media campaign, and a recycling logo identifying packaging and products made of recycled materials.

Part II is a market studies, and development program which would give the Board authority to complete studies to enhance the recycled materials market. Based on the findings of these studies, the Board would recommend certain action by the legislature.

Part III would enable local jurisdictions to institute a local service fee surcharge of 10% of the cost attributable for solid waste collection services to be used to support local recycling activities. The bill would allow 80% of the local fees collected to be allocated toward the local recycling programs and 20% of these fees to be deposited in the California Recycling Fund created by the bill. The money in the fund would be used to support state and local public information programs, conduct market studies and for the administrative support of the bill by the CWMB.

At the Board's February meeting, the Yuba-Sutter Bi-County CoSWMP review took place. The Board directed the County to revise its CoSWMP. Review of the plan indicated that the county was unable to demonstrate eight years' remaining capacity for waste disposal. A county supervisor addressed the Board concerning the inability of local officials to agree on whether to site a new landfill or to expand a current facility. According to the supervisor, expansion of the present facility could threaten groundwater and a nearby river, while the siting of a new landfill appears blocked by local residents in the area. The supervisor expressed frustration at the local impasse and sought intervention from the Board.

The Board noted that the only authority it could exercise at this point is to direct the county to revise the plan, hoping this will encourage the county to agree upon some strategy to meet the mandate to demonstrate eight years' capacity. Board member Varner noted that siting legislation should be proposed to address the difficulties local entities have in siting future landfill and disposal facilities.

The Board reviewed the results of the Facility File Audit and Solid Waste Information System (SWIS) update at its February meeting. After determining that data for SWIS was outdated, the staff began an audit in 1986 and updated the information. Final results were reported to the Board in early February.

Each LEA is required to forward permit applications, issued permits, technical reports, violations, and other facility documents to the Board. The audit discovered many missing documents, necessitating considerable research and investigation to gather the missing documents. The updated system now contains valuable information about waste disposal facilities, *e.g.*, data on different types of facilities, whether or not the facility is active, whether or not a permit has been issued, the age of the permit, whether the facility is owned and operated by private or public officials, what type of waste the facility receives, and quantity of waste maintained in the system.

FUTURE MEETINGS:

June 9-10 in Sacramento.

COASTAL COMMISSION

Director: Peter Douglas
Chairperson: Michael Wornum
(415) 543-8555

The California Coastal Commission was established by the California Coastal Act of 1976 to regulate conservation and development in the coastal zone. The coastal zone, as defined in the Coastal Act, extends three miles seaward and generally 1,000 yards inland. This zone determines the geographical jurisdiction of the Commission. The Commission has authority to control development in state tidelands, public trust lands within the coastal zone and other areas of the coastal strip where control has not been returned to the local government.

The Commission is also designated the state management agency for the purpose of administering the Federal Coastal Zone Management Act (CZMA) in California. Under this federal statute, the Commission has authority to review oil exploration and development in the three mile state coastal zone, as well as federally sanctioned oil activities beyond the three mile zone which directly affect the coastal zone. The Commission determines whether these activities are consistent with the federally certified California Coastal Management Program (CCMP). The CCMP is based

upon the policies of the Coastal Act. A "consistency certification" is prepared by the proposing company and must adequately address the major issues of the Coastal Act. The Commission then either concurs with, or objects to, the certification.

The Commission is composed of fifteen members: twelve are voting members and are appointed by the Governor, the Senate Rules Committee and the Speaker of the Assembly. Each appoints two public members and two locally elected officials of coastal districts. The three remaining nonvoting members are the Secretaries of the Resources Agency and the Business and Transportation Agency, and the Chair of the State Lands Commission.

MAJOR PROJECTS:

Decertification. The U.S. Department of Commerce's attempt to decertify the Commission due to allegations of mismanagement continues to plague the agency. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 92 and Vol. 7, No. 4 (Fall 1987) p. 91 for background information.)

As previously reported, the Department's November 1987 final report imposed several significant work improvement tasks and conditions on the Commission, and the Commission acceded to those conditions under protest, in order to continue to receive federal funding for the Commission's activities. In January, Attorney General John Van de Kamp filed *State of California v. Mack and National Oceanic and Atmospheric Administration* on behalf of the Commission, which challenges the conditions considered objectionable by the Commission. The Commission moved for a preliminary injunction to prevent enforcement of these conditions; oral argument was heard on March 15. The matter was taken under submission, and a ruling is expected shortly.

Lease Sale 91. On February 23, the Commission held a public hearing on the draft environmental impact statement (DEIS) for proposed Lease Sale 91, which would be the first sale of offshore drilling tracts under the U.S. Department of the Interior's Final Five-Year Leasing Program. (See CRLR Vol. 7, No. 4 (Fall 1987) pp. 92-93; Vol. 7, No. 3 (Summer 1987) p. 116; and Vol. 7, No. 2 (Spring 1987) p. 91 for background information.)

At the February 23 hearing (which followed February 1 and 3 hearings which over 2,000 people attended), Commission staff presented an overview of issues in the DEIS and initial comments for Commission discussion. During the hearing, members of the public presented testimony. With subsequent Commission input, comments were submitted to the Department of the Interior.

The Commission's March 11 comments allege that the DEIS fails to include a proper analysis of the following issues: alternative methods of oil transportation, such as pipelines; onshore processing facilities; oil spill containment and cleanup; vessel traffic safety; a complete marine resource assessment; impacts to the commercial fishing industry in this unique region of the California coastline; the socio-economic impacts, particularly with regard to jobs for the local workforce; the potential impacts on air quality from this lease sale; the geologic and archaeological impacts; an evaluation of phasing, as has been requested by the Commission on numerous previous occasions; a cumulative impact analysis, including the specific information and resources estimates which were developed for the Lease Sale 91 proposal; and an analysis of the No-Project Alternative would provide sufficient information on national energy policy, conservation, and alternative energy sources.

Recent Applications. In January, the Commission approved Texaco's proposal to remove Platforms Herman and Helen with conditions. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 92 for background information.) The platforms will be brought onshore in Long Beach, dismantled, and sold for scrap.

Shell's application for Platform Hercules (located off Canada de la Huerta in Santa Barbara County) is undergoing review to determine its environmental impact by a Joint Review Panel consisting of officials from the State Lands Commission and Santa Barbara County. Due to budget constraints, the Coastal Commission is no longer represented on the Joint Review Panel.

Local Initiatives. San Mateo County's Proposition A, passed by voters in the November 1986 election (see CRLR Vol. 8, No. 1 (Winter 1988) p. 93 for background information), was approved by the Commission on December 10 with modifications.

San Luis Obispo's initiative, which provides that no county action on an onshore support facility for offshore oil development may become final until passed by a majority of voters, was approved at the Commission's February meeting. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 93 for background information.)

LEGISLATION:

AB 4168 (Frazee) would establish a Shoreline Erosion Task Force to study and report to the legislature by June 30, 1989 on the long-term rise in sea level and its impact on the state. The Task Force would include members of the Coastal Commission, which supports enactment of the bill. AB 4168 is pending in the Assembly Natural Resources Committee.

AB 4479 (Hayden) would require further leasing, exploration, development, and production of oil and gas on the Outer Continental Shelf (OCS) to meet the following criteria to be found consistent with the state's coastal management program: (a) the Energy Commission must certify that the federal government has a comprehensive energy conservation program; (b) the Coastal Commission must certify a comprehensive study of the cumulative and direct impacts of oil and gas development in the OCS; (c) the Coastal Commission must certify a plan to phase OCS development; and (d) the development meets specified criteria such as use of pipelines over tankers, oil spill response analysis, and air quality concerns. AB 4479 is pending in the Assembly Natural Resources Committee.

AB 4639 (Friedman) would prohibit a member of the Coastal Commission and any interested persons from engaging in *ex parte* communication, as defined. The bill would require Commissioners to report any *ex parte* communications. Any person who knowingly commits an *ex parte* communications violation would be subject to a fine up to $50,000 and a court could remove a commission member from office for a knowing violation. This bill is pending in the Assembly Natural Resources Committee.

SB 2066 (Dills) would change the boundary at the coastal zone in the City of Los Angeles in order to exclude a parcel that is currently committed to oil production and refining. The Coastal Commission formally opposes the bill because it wants the boundary to remain intact. The area at issue is adjacent to two ports, and is clearly within the coastal zone subject to the jurisdiction of the Commission. SB 2066 is pending in the Senate Committee on Natural Resources and Wildlife.

SB 2547 (Rosenthal) would prohibit the Commission from approving a project involving the siting and operation of research and demonstration activities related to the ocean incineration of hazardous wastes unless the project in-

cludes feasible mitigation measures. The siting of activities related to ocean incineration of hazardous wastes would require a coastal development permit from both the local government and Commission under this bill. SB 2547 is pending in the Senate Committee on Toxics and Public Safety Management.

SB 2630 (McCorquodale) would amend the Coastal Act to add section 30234.5, which would declare that the economic, commercial, and recreational importance of fishing activities shall be recognized and protected. This bill is pending in the Senate Committee in Natural Resources and Wildlife.

SB 2688 (Robbins) would authorize each coastal county or city which operates and maintains a public beach to impose a $1 parking surcharge on fines for parking offenses within a designated coastal parking zone. Proceeds from the surcharge would be deposited in a fund for beach maintenance and operation. SB 2688 is pending in the Senate Judiciary Committee.

SB 2691 (Hart) would prohibit the Coastal Commission from approving any permit, federal consistency review, or local coastal plan (LCP) unless the action seeks to prevent or eliminate the discharge of hazardous waste into coastal waters, or if not feasible, that maximum mitigation measures be included. Further, if the Commission determines that such discharge outside the coastal zone would have adverse effects on coastal resources, the Commission would have jurisdiction over that discharge. This bill was scheduled for an April 11 hearing in the Senate Committee on Natural Resources and Wildlife.

SB 2694 (Hart) would require the State Lands Commission, in consultation with the Coastal Commission, to prepare a comprehensive study of the potential effects of exploration and development of oil and gas resources in both federal and state waters off the California coast. The bill would appropriate $3,200,000 from the Federal Trust Fund to the State Lands Commission for the study. This bill is pending in the Senate Committee on Governmental Organization.

SB 2761 (Greene). Existing law applicable to local agencies allows a developer to protest an imposed fee, dedication, or reservation while the development proceeds. This bill would make these same procedures applicable to state and federal agencies. The Commission opposes this bill, because it takes the position that mitigation should occur as the development is being constructed. This bill was set for an April 16 hearing in the Senate Local Government Committee, and an April 12 hearing in the Senate Committee on Natural Resources and Wildlife.

AJR 76 (Sher) requests that the President and the U.S. Department of Commerce discontinue procedures to decertify the Commission and continue with present negotiations. The joint resolution would also request Congress to take action to encourage negotiations and to prevent the Department from proceeding with decertification. (*See supra* MAJOR PROJECTS for related discussion.)

AB 2968 (Frizzelle). Existing law requires a coastal development permit from the Coastal Commission for a proposed development within the coastal zone unless that type of development has been exempted from the California Coastal Act of 1976. The Commission has authority to exempt categories of development under certain conditions in specifically defined geographic areas. This bill would require the Coastal Commission to act on an application from a local jurisdiction seeking exclusion for a category of development within six months or it would be deemed approved.

Further, the bill would exempt certain development projects from the permit process if the development project is part of a certified LCP and satisfies the following criteria: (1) is covered by section 15061(b)(3) or section 15300, Title 14 of the California Code of Regulations (state CEQA guidelines); (2) satisfies all applicable development standards, including but not limited to implementing ordinances of the certified LCP; and (3) is not located in the area seaward of the mean high tide, lands and waters subject to the public trust, or the first row of lots immediately adjacent to the inland beach or mean high tide of the sea where there is no beach.

AB 2986 is pending in the Assembly Natural Resources Committee.

AB 2911 (Hauser). Present law allows any person proposing an energy facility development within the coastal zone to request the local government to amend its LCP to allow for the facility's development. This bill would prohibit a proposed amendment of a certified LCP for onshore energy facility development relating to offshore oil and gas unless the amendment is approved by a majority vote of county voters at an election called by the county board of supervisors. This bill is pending in the Assembly Natural Resources Committee.

AB 2766 (Hauser) would make it a misdemeanor for a person in charge of a vessel to dump nonbiodegradable material into the ocean within three miles of the coast. This bill is pending in the Assembly Natural Resources Committee.

AB 2838 (Farr). Existing law designates the state WRCB as the state water pollution control agency for purposes of the Federal Water Pollution Control Act and as responsible for regulating ocean waters of the state to the three-mile limit. AB 2838 would enact the California Ocean Resources Management Act of 1988, establishing the California Ocean Resources Management Advisory Committee and the Interagency Marine Resources Coordinating Council. The Council would be required to submit an interim plan on ocean resource management to the Governor and legislature by January 1, 1990, and a final plan by January 1, 1992.

The Advisory Committee would review the interim plan developed by the Council and recommend the structure of state government to effectively carry out the plan. The bill includes detailed provisions on the contents of the interim plan. It also provides that the Coastal Commission will review the plan before it is submitted to the Governor and the legislature for consistency with policies of the California Coastal Act of 1976 and certified LCPs prepared under the Act.

AB 2838 is pending in the Assembly Committee on Water, Parks and Wildlife.

AB 4122 (Hayden) would change the composition of the California Coastal Commission to require that six members be county supervisors or city council members. These appointments would be made as follows: the Governor would appoint one member from Del Norte, Humboldt, or Mendocino County and one member from San Luis Obispo, Santa Barbara, or Ventura County. The Senate Rules Committee would appoint one member from Sonoma, Marin, or San Francisco County and one member from Los Angeles or Orange County. The Speaker of the Assembly would appoint one member from San Mateo, Santa Cruz, or Monterey County, and one member from San Diego County.

Further, the bill would provide for three-year terms instead of the current two-year terms, and would require that the appointing authority make all of its appointments from a list of candidates which it has made public for thirty days prior to making each appointment.

This bill is pending in the Assembly Natural Resources Committee.

SB 2011 (Ellis). Existing law requires the Commission to certify all amend-

ments to certified LCPs of local governments, but prohibits more than three submissions per year of proposed amendments. This bill will allow three submissions per year of proposed amendments to each segment of a LCP when a LCP contains program segments. This bill is pending in the Senate Committee on Natural Resources and Wildlife.

SB 2211 (McCorquodale) would revise the procedures for certification of land use plans under LCPs. Under existing law, the Commission is required to certify or deny certification of land use plans of LCPs within ninety days. The Commission is required after public hearing to identify whether the land use plan raises substantial issues of conformity with the California Coastal Act.

Under SB 2211, the procedures for identifying substantial issues of conformity and holding a public hearing on those issues would be deleted. After submitting a land use plan to the Commission, the Commission would hold a public hearing and either certify or refuse to certify the land use plan in whole or in identifiable geographic part. If no action is taken by the Commission during the ninety days, the plan would be deemed approved and certified under SB 2211.

The bill is still pending in the Senate Appropriations Committee.

AB 639 (Killea) would enact the Coastal Resources Conservation Bond Act of 1988 to place an initiative before the general electorate for a $200 million bond to be administered by the Coastal Conservancy for recreation, access, and natural resources conservation projects. The bond would include $25 million for implementation of the Big Sur Land Use Plan and $5 million for regional approaches to shoreline erosion control. This bill passed the Assembly and is pending in the Senate Appropriations Committee.

AB 1990 (Hayden) would require the WRCB to conduct a study of a standardized ocean monitoring and discharge reporting system for national pollutant discharge elimination system (NPDES) permitholders who are required to file ocean, bay, or estuary discharge reports. This bill passed the Assembly and is pending in the Senate Agriculture and Water Resources Committee.

SB 529 (Dills) would create the California Wetlands Mitigation Task Force to study specified issues relating to port expansion and wetlands mitigation. One member of the Task Force would be a representative from the Coastal Commission. The Task Force would be required to submit its report to the legislature by July 1, 1988. The bill passed the Senate and is pending on the Assembly Floor.

SB 267 (Dills) would allow the Ports of Long Beach, Los Angeles, and San Diego to use revenues from their granted lands for acquisition or improvement of other land or property located inside or outside their jurisdictional boundary. SB 267 would also allow ports to trade acquired land for other land if used for public trust purposes. The bill has passed the Senate and is pending in the Assembly Natural Resource Committee.

LITIGATION:

In late January, an Orange County judge handed wetlands conservationists a major victory in refusing to dismiss continuing litigation involving "Bolsa Chica" wetlands in the City of Huntington Beach. *Amigos de Bolsa Chica, Inc. v. Signal Properties, Inc.* was originally filed in January 1979. In this latest action, Signal Landmark, Inc., requested dismissal of the suit which an appellate court ruled in 1984 had not been filed within the appropriate statute of limitations. The denial of Signal's request by Superior Court Commissioner Ronald L. Bauer revives the lawsuit.

Plaintiff contends that a 1973 deal between the State of California and Signal Landmark, in which the state received 300 acres of land along Pacific Coast Highway (now a state ecological reserve) in return for 1,700 acres of land to be used as a major marina development by Signal, was illegal. Amigos characterizes the trade as a gift of lands in public trust which violates the state constitution, while the Attorney General and Signal contend that the trade was legal under Public Resources Code section 6307.

Environmental attorneys across the state anxiously await the decision in this case, which could have major ramifications for the future of wetlands. The challenged statute has been the basis for over 189 land trades along the California coast. If the Amigos group is successful in its suit, attorneys predict these past land trades could be reopened, and state authority for making future land trades involving wetlands may be declared invalid.

Jonathan Club v. California Coastal Commission, 88 Daily Journal D.A.R. 650 (1988), is an appeal by the Jonathan Club ("the Club") from a superior court judgment denying its petition for a peremptory writ of administrative mandamus. The Club sought to invalidate the Coastal Commission's condition that the Club adopt a nondiscriminatory membership policy before the Commission would approve its application for a coastal development permit. The Second District Court of Appeal recently affirmed the lower court's decision to deny the Club's petition.

In 1974, the State of California and the City of Santa Monica filed an action to quiet title against various property owners along Santa Monica State Beach. Among the defendants was the Club, which owns and operates a facility at the beach. Following years of complex litigation, the City and the Club entered into a settlement agreement in 1984. The Club gave up all ownership claim to property seaward of a 1921 boundary line in exchange for the exclusive use and lease of four parcels of state-owned land. The lease requires that the public retain use of the tidelands nearest the water and that the Club construct a public accessway along the southern boundary.

The 1984 settlement was approved on January 2, 1985 by a judgment of the superior court. On January 31, 1985, the Club filed an application with the Coastal Commission for a coastal development permit to expand the facility. The staff recommended approval of the permit subject to certain conditions which would mitigate the project's adverse environmental effects. The staff was concerned about an existing sandy beach which would be converted to nonsandy beach use. This conversion would benefit the Club's membership but would prevent the general public from full enjoyment of a publicly-owned beach. Because of pressure from minority groups claiming the Club excluded minorities, the Commission also voted to condition its approval upon an affirmative declaration from the Club that it adhered to nondiscriminatory membership policies because the proposed development included public land.

On September 5, 1985, the Club filed a petition for a peremptory writ of administrative mandamus to set aside the membership condition. The trial court denied the petition and request for a new trial, resulting in this appeal.

The Club contended that the use of leased state lands in the proposed development constitutes insufficient entanglement with the state to justify a finding of state action. Analyzing pertinent case authority, the appellate court concluded that there was sufficient entanglement with the state under the equal protection clauses of both the federal and state constitutions to justify a finding of state

action permitting imposition of the condition. The court disagreed that conducting its activities in part on land leased from the state was insufficient to meet a finding of state action.

The Club further contended that the Coastal Commission lacked statutory authority to impose the membership condition. However, the appellate court again disagreed with the Club's argument. Citing the California Coastal Act, the Court reiterated one of the act's stated goals to "maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners." Further, the court relied on Public Resources Code section 30210, which requires that "maximum access...and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights...."

The court distinguished its decision from a recent U.S. Supreme Court case, *Nollan v. California Coastal Commission*,___ U.S. ___ , 97 L.Ed. 2d 677 (1987) (see CRLR Vol. 7, No. 3 (Summer 1987) p. 117), which places limitations on the type of conditions the Commission may impose. The *Nollan* Court held that the takings clause of the Fifth Amendment was violated when the Commission required a private property owner to grant a public easement to the beachfront as a condition for obtaining a building permit for a single-family home. The Second District found that the instant case involves neither the granting of an easement nor the takings clause, and includes public land in the plans for the proposed development. Further, by imposing the condition, the court said the Commission maximized the possibility that all segments of the public would have access to the leased land.

In *Exxon v. Fischer, et al*, filed in 1983, Exxon alleged that the Commission misapplied Coastal Act policies and exceeded its statutory authority under the CZMA in objecting to its Option A Santa Ynez Unit Development and Production Plan. In 1984, a federal judge stayed further consideration of the matter pending a final decision by the Secretary of Commerce on the merits of Exxon's appeal under the CZMA. In 1987, the same federal judge vacated the stay and orally denied the parties' cross-motions for summary judgment. Trial scheduled for May 1987 was delayed, and the parties have jointly asked the court for a further continuance on new summary judgment notions until May 1988.

The judgment is now final in *Exxon v. Fischer* (Thresher Shark Case), in which Exxon's request for reconsideration of a decision by the Secretary of Commerce was denied. The action involved the Secretary's decision to uphold the Commission's limitation of exploratory drilling on Tract No. 0467. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 93; Vol. 7, No. 3 (Summer 1987) p.117; and CRLR Vol. 6, No. 4 (Fall 1986) p. 77 for background information).

RECENT MEETINGS:

At its January meeting in San Diego, the Commission approved Robert Marx' request to dig up an ancient Spanish galleon, the *San Augustin*, in Drakes Bay. Marx, an authority on underwater digs, said discovering the ship which sank in 1595 was his "dream." The staff reported that the environmental impact would be minimal in Drakes Bay, which is located approximately thirty miles from San Francisco. As such, the Commission approved a salvage permit, with conditions, for a twenty-acre area in Drakes Bay.

FUTURE MEETINGS:

To be announced.

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 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 policy-making 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:

Receipt of Recommendations for Changes in the 1988 Mammal Hunting and Trapping Regulations. At its February 5 meeting, the FGC received DFG and public recommendations for changes to mammal hunting and trapping regulations. Section 211 of the Fish and Game Code requires FGC to receive DFG and public recommendations relating to mammals each March.

Specifically, DFG recommended amending section 257.5(a) to add "commercial scents" to the definition of "bait" in order to prohibit the use of commercial scents in taking game. In addition, DFG proposed amending section 265 to add portions of Madera and Fresno counties to those lands in which the use of dogs in hunting is prohibited. With regard to deer hunting, DFG encouraged FGC to amend section 360 to increase the number of deer permits in several areas of the state including Zone S-10 (Camp Pendleton). Specifically, for Zone S-10, DFG recommended increasing the number of deer permits from 160 (80 military and 80 general public) to 180 (90 military and 90 general public). DFG declared a necessity to "har-