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SB-1520 Public resources. (2023-2024)

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Senate Bill No. 1520

CHAPTER 139

An act to amend Section 5515 of the Fish and Game Code, to repeal Chapter 3.4 (commencing with Section 6223) of Division 7 of Title 1 of the Government Code, and to repeal Chapter 5 (commencing with Section 8560) of Part 4 of Division 6 of the Public Resources Code, relating to public resources.

[Approved by Governor July 15, 2024. Filed with Secretary of State July 15, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1520, Committee on Natural Resources and Water. Public resources.

Existing law prohibits the taking or possession of a fully protected fish, except as provided, and designates the Colorado River squawfish as a fully protected fish.

This bill would update the name of the Colorado River squawfish to the Colorado pikeminnow.

Existing law establishes, except as provided, a policy of the state to discourage conveyances of federal public lands in California from the federal government. Existing law, except as provided, specifies that these conveyances are void ab initio unless the State Lands Commission was provided with the right of first refusal or the right to arrange for the transfer of the federal public land to another entity. Existing law requires the commission to issue a certificate of compliance if the commission was provided with the right of first refusal or the right to arrange for the transfer of the federal public land to another entity. Existing law requires the commission to waive the right of first refusal or the right to arrange for the transfer of the federal public land to another entity for conveyances the commission deems to be routine, as specified. Existing law requires the commission, the Wildlife Conservation Board, and the Department of Fish and Wildlife to enter into a memorandum of understanding establishing a state policy that they will undertake all feasible efforts to protect against future unauthorized conveyances of federal public lands or any change in federal public land designation. Existing law authorizes the commission to seek declaratory and injunctive relief in a court of competent jurisdiction to contest these conveyances. Existing law, except as provided, prohibits a person from knowingly presenting for recording or filing with the county recorder a deed, instrument, or other document related to the conveyance of federal public lands, except as provided, and subjects a person who violates this prohibition to a civil penalty. Existing law provides that the state shall not be responsible for any costs associated with conveyed federal public land that the commission did not accept, purchase, or arrange for the transfer of, as provided. Existing law requires the commission to ensure, for any conveyed federal public land the commission accepts, purchases, or arranges for the transfer of, that future management of the conveyed federal public land is determined in a public process, as specified.

This bill would repeal these and other related provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 5515 of the Fish and Game Code is amended to read:

5515. (a) (1) Except as provided in this section or Section 2081.4, 2081.6, 2081.7, 2081.10, 2081.11, 2081.15, 2089.7, or 2835, a fully protected fish shall not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of a permit or license to take a fully protected fish, and no permit or license previously issued shall have force or effect for that purpose. However, the department may authorize the taking of a fully protected fish for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species. Before authorizing the take of a fully protected fish, the department shall make an effort to notify all affected and interested parties to solicit information and comments on the proposed authorization. The notification shall be published in the California Regulatory Notice Register and be made available to each person who has notified the department, in writing, of that person's interest in fully protected species and who has provided an email address, if available, or postal address to the department. Affected and interested parties shall have 30 days after notification is published in the California Regulatory Notice Register to provide relevant information and comments on the proposed authorization.

(2) As used in this subdivision, "scientific research" does not include an action taken as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.

(3) A legally imported fully protected fish may be possessed under a permit issued by the department.

(b) The following are fully protected fish:

- (1) Colorado pikeminnow (*Ptychocheilus lucius*).
- (2) Mohave chub (*Gila mohavensis*).
- (3) Lost River sucker (*Deltistes luxatus* and *Catostomus luxatus*).
- (4) Modoc sucker (*Catostomus microps*).
- (5) Shortnose sucker (*Chasmistes brevirostris*).
- (6) Humpback sucker (*Xyrauchen texanus*).
- (7) Owens pupfish (*Cyprinodon radiosus*).
- (8) Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*).
- (9) Rough sculpin (*Cottus asperimus*).

SEC. 2. Chapter 3.4 (commencing with Section 6223) of Division 7 of Title 1 of the Government Code is repealed.

SEC. 3. Chapter 5 (commencing with Section 8560) of Part 4 of Division 6 of the Public Resources Code is repealed.