

## **FISH AND GAME CODE - FGC**

### **DIVISION 4. BIRDS AND MAMMALS [3000 - 4904]**

*( Division 4 enacted by Stats. 1957, Ch. 456. )*

#### **PART 2. BIRDS [3500 - 3864]**

*( Part 2 enacted by Stats. 1957, Ch. 456. )*

#### **CHAPTER 1. General Provisions [3500 - 3516]**

*( Chapter 1 enacted by Stats. 1957, Ch. 456. )*

#### **3500.**

(a) Resident game birds are as follows:

- (1) Doves of the genus *Streptopelia*, including, but not limited to, spotted doves, ringed turtledoves, and Eurasian collared-doves.
- (2) California quail and varieties thereof.
- (3) Gambel's or desert quail.
- (4) Mountain quail and varieties thereof.
- (5) Sooty or blue grouse and varieties thereof.
- (6) Ruffed grouse.
- (7) Sage hens or sage grouse.
- (8) Hungarian partridges.
- (9) Red-legged partridges including the chukar and other varieties.
- (10) Ring-necked pheasants and varieties thereof.
- (11) Wild turkeys of the order Galliformes.

(b) Migratory game birds are as follows:

- (1) Ducks and geese.
- (2) Coots and gallinules.
- (3) Jacksnipe.
- (4) Western mourning doves.
- (5) White-winged doves.
- (6) Band-tailed pigeons.

(c) References in this code to "game birds" means both resident game birds and migratory game birds.

*(Amended by Stats. 2007, Ch. 285, Sec. 67. Effective January 1, 2008.)*

#### **3501.**

It is unlawful to use any powerboat, motor vehicle, or airplane to drive any game bird toward another person with the intent that the other person shall take the bird.

*(Enacted by Stats. 1957, Ch. 456.)*

### 3502.

It is unlawful to use any mammal (except a dog) or an imitation of a mammal as a blind in approaching or taking game birds.

*(Enacted by Stats. 1957, Ch. 456.)*

### 3503.

It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

*(Amended by Stats. 1971, Ch. 1470.)*

### 3503.5.

It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

*(Added by Stats. 1985, Ch. 1334, Sec. 6.)*

### 3504.

Subject to the provisions of this code permitting the sale of domestically raised game birds, it is unlawful to sell or purchase a game bird or nongame bird.

*(Amended by Stats. 2015, Ch. 154, Sec. 70. Effective January 1, 2016.)*

### 3505.

It is unlawful to take, sell, or purchase any aigrette or egret, osprey, bird of paradise, goura, numidi, or any part of such a bird.

*(Enacted by Stats. 1957, Ch. 456.)*

### 3508.

It is unlawful to break, train, hold field trials with, or practice dogs on any wild game bird or domesticated game bird during the closed season on that bird except as authorized by the commission.

*(Amended by Stats. 2003, Ch. 62, Sec. 98. Effective January 1, 2004.)*

### 3511.

(a) (1) Except as provided in this section, Section 2081.7, or Section 2835, a fully protected bird may 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 bird, and no permit or license previously issued shall have any force or effect for that purpose. However, the department may authorize the taking of a fully protected bird for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species, and may authorize the live capture and relocation of a fully protected bird pursuant to a permit for the protection of livestock. Before authorizing the take of a fully protected bird, 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 his or her interest in fully protected species and who has provided an e-mail 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 bird may be possessed under a permit issued by the department.

(b) The following are fully protected birds:

(1) American peregrine falcon (*Falco peregrinus anatum*).

(2) Brown pelican.

(3) California black rail (*Laterallus jamaicensis coturniculus*).

(4) California clapper rail (*Rallus longirostris obsoletus*).

(5) California condor (*Gymnogyps californianus*).

(6) California least tern (*Sterna albifrons browni*).

(7) Golden eagle.

(8) Greater sandhill crane (*Grus canadensis tabida*).

(9) Light-footed clapper rail (*Rallus longirostris levipes*).

(10) Southern bald eagle (*Haliaeetus leucocephalus leucocephalus*).

(11) Trumpeter swan (*Cygnus buccinator*).

(12) White-tailed kite (*Elanus leucurus*).

(13) Yuma clapper rail (*Rallus longirostris yumanensis*).

*(Amended by Stats. 2015, Ch. 154, Sec. 71. Effective January 1, 2016.)*

It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.

*(Amended by Stats. 1977, Ch. 1208.)*

#### **3514.**

Exotic nonresident game birds are those birds of the order Galliformes (pheasant, grouse, quail) which are not established as a wild resident population in this State.

*(Added by Stats. 1959, Ch. 398.)*

#### **3515.**

Exotic nonresident game birds may be released in this State only on prior approval of the commission.

*(Added by Stats. 1959, Ch. 398.)*

#### **3516.**

The commission may adopt such regulations as it deems necessary to govern the release, taking, and possession of exotic nonresident game birds.

The commission may adopt such regulations as it deems necessary to govern the inspection of resident game birds imported into this State.

*(Amended by Stats. 1963, Ch. 306.)*

## **CHAPTER 2. Particular Varieties [3660 - 3705]**

*( Chapter 2 enacted by Stats. 1957, Ch. 456. )*

### **ARTICLE 1. Pheasants [3660- 3660.]**

*( Article 1 enacted by Stats. 1957, Ch. 456. )*

#### **3660.**

It is unlawful for any person to have in his possession the carcass, in such condition that the sex or species cannot be easily determined, of any pheasant while in the field or forest or while upon any highway, train, car, boat, or other conveyance when returning from any hunting trip with gun or other hunting equipment.

*(Enacted by Stats. 1957, Ch. 456.)*

## **ARTICLE 2. Other Species [3680 - 3686]**

*( Article 2 enacted by Stats. 1957, Ch. 456. )*

### **3680.**

Any person, other than the owner thereof, who at any time, by any means or in any manner, purposely takes any racing pigeon currently registered with a recognized organization, is guilty of a misdemeanor. However, the incidental take of registered racing pigeons with the shooting or taking of wild band-tailed pigeons or domestic pigeons (*Columba livia*), is not a violation of this section.

*(Amended by Stats. 2007, Ch. 285, Sec. 68. Effective January 1, 2008.)*

### **3681.**

In Districts 8 and 9, it is unlawful to take ducks or geese in any manner below the incoming or outgoing tidewater's edge or from any blind, boat, floating device, island, islet, or exposed tidal flat except on Saturdays, Sundays, Wednesdays, holidays and the opening and closing days during the prescribed open season except that the use of boats is permitted to retrieve crippled or dead birds.

*(Amended by Stats. 1957, Ch. 1122.)*

### **3682.1.**

(a) It is unlawful for any person, except a person licensed pursuant to paragraph (2) of subdivision (a) of Section 3031, to take any upland game bird species without first procuring an upland game bird hunting validation, as provided in subdivision (b), and having the validation affixed to his or her valid hunting license.

(b) Upland game bird hunting validations may be obtained from the department or a licensed agent authorized pursuant to Section 1055.1 for a fee of six dollars and twenty-five cents (\$6.25), adjusted pursuant to Section 713.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

*(Added by Stats. 2001, Ch. 112, Sec. 22. Effective January 1, 2002.)*

### **3682.2.**

- (a) Upon full implementation of the Automated License Data System, the department shall continue to prepare, or have prepared, upland game bird stamps depicting upland game birds.
- (b) Any person who obtains an upland game bird hunting validation pursuant to Section 3682.1 is entitled, upon request, to receive an upland game bird stamp at no additional charge.
- (c) Any person may purchase an upland game bird stamp for a fee of six dollars and twenty-five cents (\$6.25), as adjusted pursuant to Section 713.
- (d) Possession of an upland game bird stamp obtained pursuant to this section does not entitle the holder to take any upland game bird species.

*(Added by Stats. 2001, Ch. 112, Sec. 23. Effective January 1, 2002.)*

### 3683.

Upland game bird species include both of the following:

- (a) All of the following resident game birds:
  - (1) Doves of the genus *Streptopelia*, including, but not limited to, spotted doves, ringed turtledoves, and Eurasian collared doves.
  - (2) California quail and varieties thereof.
  - (3) Gambel's or desert quail.
  - (4) Mountain quail and varieties thereof.
  - (5) Sooty or blue grouse.
  - (6) Ruffed grouse.
  - (7) Sage hens or sage grouse.
  - (8) White-tailed ptarmigan.
  - (9) Hungarian partridges.
  - (10) Red-legged partridges including the chukar and other varieties.
  - (11) Ring-necked pheasants and varieties thereof.
  - (12) Wild turkeys.
- (b) All of the following migratory game birds:
  - (1) Jacksnipe.
  - (2) Western mourning doves.
  - (3) White-winged doves.
  - (4) Band-tailed pigeons.

*(Amended by Stats. 2007, Ch. 285, Sec. 69. Effective January 1, 2008.)*

### 3684.

- (a) The Upland Game Bird Account is hereby established within the Fish and Game Preservation Fund.

(b) All funds derived from the sale of upland game bird hunting validations and upland game bird stamps shall be deposited in the Upland Game Bird Account to permit separate accountability for the receipt and expenditure of these funds.

(c) Funds deposited in the Upland Game Bird Account shall be available for expenditure upon appropriation by the Legislature to the department. These funds shall be expended solely for the purpose of acquiring land, completing projects and implementing programs to benefit upland game bird species, and expanding public hunting opportunities and related public outreach, including, but not limited to, enhancing upland game bird habitat. Any land acquired with funds from the Upland Game Bird Account shall be acquired in fee title or protected with a conservation easement and, to the extent possible, be open or provide access to the public for upland game bird hunting. The department may also use funds from the Upland Game Bird Account to pay for administrative and enforcement costs of the programs and activities described in this section. The amount allocated from the account for administrative costs shall be limited to the reasonable costs associated with administration of the programs and activities described in this section.

(d) The department may make grants to, reimburse, or enter into contracts or other agreements as defined in subdivision (a) of Section 1571 with, nonprofit organizations for the use of the funds from the Upland Game Bird Account to carry out the purposes of this section, including related habitat conservation projects.

(e) An advisory committee, as determined by the department, that includes interested nonprofit organizations that have goals and objectives directly related to the management and conservation of game bird species and primarily represent the interests of persons licensed pursuant to Section 3031 shall review and provide comments to the department on all proposed projects funded from the Upland Game Bird Account to help ensure that the requirements of this section have been met. The department shall post budget information and a brief description on its Internet Web site for all projects funded from the Upland Game Bird Account.

(f) Upland game bird projects authorized pursuant to this section are not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

(g) The department shall maintain the internal accountability necessary to ensure compliance with the collection, deposit, and expenditure of funds specified in this section.

*(Repealed and added by Stats. 2010, Ch. 408, Sec. 4. Effective January 1, 2011.)*

Projects authorized pursuant to Section 3684 shall be governed by Section 1501.5. With the approval of the entity in control of property affected by a project, the department may make grants to, or enter into contracts with, nonprofit organizations for the accomplishment of those projects, or the department may reimburse the controlling entity for its costs of accomplishing the project.

*(Amended by Stats. 2010, Ch. 408, Sec. 6. Effective January 1, 2011.)*

### **ARTICLE 3. Migratory Birds [3700.1 - 3705]**

*( Article 3 added by Stats. 1970, Ch. 1582. )*

#### **3700.1.**

(a) It is unlawful for any person, except a person licensed pursuant to paragraph (2) of subdivision (a) of Section 3031, to take any migratory game bird, except jacksnipe, coots, gallinules, western mourning doves, white-winged doves, and band-tailed pigeons, without first procuring a state duck hunting validation as provided in subdivision (b), and having that validation in his or her possession while taking those birds.

(b) State duck hunting validations shall be sold for a fee of ten dollars (\$10) by the department and by license agents, who are authorized by the department pursuant to Section 1055.1, in the same manner as hunting licenses.

(c) This section applies only to licenses, permits, reservations, tags, and other entitlements issued through the Automated License Data System.

*(Added by Stats. 2001, Ch. 112, Sec. 26. Effective January 1, 2002.)*

#### **3700.2.**

(a) Upon full implementation of the Automated License Data System, the department shall continue to prepare, or have prepared, state duck stamps depicting migratory waterfowl.

(b) Any person who obtains a duck hunting validation pursuant to Section 3700.1 is entitled, upon request, to receive a state duck stamp, open edition, at no additional charge.

(c) Any person may purchase a state duck stamp, open edition, for a fee of ten dollars (\$10).

(d) State duck stamps, Governor's edition, may be printed and sold on a bid basis, beginning at a minimum bid, as determined by the department or its representative.

(e) The commission shall determine the form of the state duck stamp.

(f) Possession of a state duck stamp obtained pursuant to this section does not entitle the holder to take any migratory bird, as defined in Section 3700.1.

(g) The department may prepare and sell artwork, posters, and other promotional materials related to the sale of duck stamps or waterfowl hunting and conservation.

*(Added by Stats. 2001, Ch. 112, Sec. 27. Effective January 1, 2002.)*

### **3701.**

All funds derived from the sale of state duck hunting validations and state duck stamps, and related items authorized by subdivision (e) of Section 3700 or subdivision (g) of Section 3700.2, shall be deposited in the State Duck Stamp Account in the Fish and Game Preservation Fund to permit separate accountability for the receipt and expenditure of these funds. An amount not to exceed 6 percent of the amount annually deposited in the account may be used for administrative overhead related to the use of those funds and for implementation of the federal Migratory Bird Harvest Program.

*(Amended by Stats. 2001, Ch. 112, Sec. 28. Effective January 1, 2002.)*

### **3702.**

Funds deposited in the State Duck Stamp Account shall be used for projects or endowments approved by the commission for the purpose of protecting, preserving, restoring, enhancing, and developing migratory waterfowl breeding and wintering habitat, evaluating habitat projects, and conducting waterfowl resource assessments and other waterfowl related research. These funds may be used to reimburse nonprofit organizations for completed habitat projects. Subject to Section 3704, the department may make grants or enter into contracts with nonprofit organizations for the use of these funds when it finds that the contracts are necessary for carrying out the purposes of this article.

*(Amended by Stats. 2004, Ch. 713, Sec. 1. Effective January 1, 2005.)*

### **3702.1.**

An advisory committee, as determined by the department, that includes interested nonprofit organizations that have goals and objectives directly related to the management and conservation of waterfowl species and primarily represent the interests of persons licensed pursuant to Section 3031 shall review and provide comments to the department on all proposed projects funded from the State Duck Stamp Account to help ensure that the requirements of Sections 3702, 3703, and 3704 have been met.

*(Added by Stats. 2014, Ch. 259, Sec. 2. Effective January 1, 2015.)*

### 3702.5.

The department may permit individual artists to sell a limited number of prints of duck stamp related artwork or posters.

This section shall become operative on July 1, 1993.

*(Repealed (in Sec. 15) and added by Stats. 1992, Ch. 452, Sec. 16. Effective January 1, 1993. Section operative July 1, 1993, by its own provisions.)*

### 3703.

Before the commission may consider any project which proposes the use of funds from the State Duck Stamp Account, the department shall analyze such project and provide the commission with recommendations as to the project's feasibility and need.

*(Added by Stats. 1970, Ch. 1582.)*

### 3704.

Two dollars and twenty-five cents (\$2.25) of the amount collected by the department for each state duck stamp sold shall be allocated by the commission for the purposes of the North American Waterfowl Management Plan in those areas of Canada from which come substantial numbers of waterfowl migrating to, or through, California. These funds shall be matched with federal or private funds available for that purpose. The available balance of the funds shall be used for any project authorized pursuant to Section 3702 in California. However, any lands acquired in California with those funds shall be open to waterfowl hunting as a public shooting ground or wildlife management area.

This section shall become operative on July 1, 1993.

*(Repealed (in Sec. 17) and added by Stats. 1992, Ch. 452, Sec. 18. Effective January 1, 1993. Section operative July 1, 1993, by its own provisions.)*

### 3704.5.

Waterfowl projects authorized pursuant to Sections 3702 and 3460 are not subject to Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code or Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code. With the approval of the entity in control of property affected by a project, the department may make grants to, or enter into contracts with, nonprofit organizations for the accomplishment of those projects, or the department may reimburse the controlling entity for its costs of accomplishing the project.

This section shall become operative on July 1, 1993.

*(Repealed (in Sec. 19) and added by Stats. 1992, Ch. 452, Sec. 20. Effective January 1, 1993. Section operative July 1, 1993, by its own provisions.)*

**3705.**

Before allocating funds to any project to be undertaken outside the state, or outside the United States, the commission shall secure evidence that the project is acceptable to the government agency having jurisdiction over the lands and waters affected by such project.

*(Added by Stats. 1970, Ch. 1582.)*

**CHAPTER 3. Nongame Birds [3800 - 3806]**

*( Heading of Chapter 3 amended by Stats. 1971, Ch. 1470. )*

**3800.**

(a) All birds occurring naturally in California that are not resident game birds, migratory game birds, or fully protected birds are nongame birds. It is unlawful to take any nongame bird except as provided in this code or in accordance with regulations of the commission or, when relating to mining operations, a mitigation plan approved by the department.

(b) (1) Mitigation plans relating to mining operations approved by the department shall, among other criteria, require avoidance of take, where feasible, and include reasonable and practicable methods of mitigating the unavoidable take of birds and mammals. When approving mitigation plans, the department shall consider the use of the best available technology on a site-specific basis.

(2) Mitigation plans relating to mining operations approved by the department shall include provisions that address circumstances where mining operations contribute to bird deaths, including ponding of process solutions on heap leach pads and exposure of process solution channels, solution ponds, and tailing ponds.

(3) The mine operator shall prepare a mitigation plan that shall be submitted to the department for approval. For ongoing mining operations, the mitigation plan alone or in conjunction with regulations adopted by the commission shall result in an overall reduction in take of avian or mammal species. The department shall provide an opportunity for public review and comment on each mitigation plan during the department's approval process. The mitigation plan shall be prepared on a site-specific basis and may provide for offsite mitigation measures designed to reduce avian mortality. The mine operator shall submit monthly monitoring reports on avian mortality to the department to aid in evaluating the effectiveness of onsite mitigation measures.

(4) The mining operator shall reimburse the department for its direct costs to provide appropriate notice of the mitigation plan to affected local government entities and other affected parties. The mine operator shall provide the department a limited number of copies, as determined by the department, of the mitigation plan for public review.

(c) The department shall monitor and evaluate implementation of the mitigation plan by the mine operator and require modification of the plan or other remedial actions to be taken if the overall reduction in take of avian or mammal species required pursuant to paragraph (3) is not being achieved.

*(Amended by Stats. 1994, Ch. 768, Sec. 2. Effective January 1, 1995.)*

### **3801.**

Notwithstanding Section 3007 or any other provision of this code or regulations made pursuant thereto requiring the possession of a hunting license, a landowner or lessee or agent of either in immediate possession of written authority from the landowner or lessee, shall not be required to obtain a hunting license or a depredation permit to take the following nongame birds on land owned or leased by the landowner or lessee. Hunters otherwise taking the following nongame birds shall be licensed pursuant to Section 3007. The following nongame birds taken in compliance with this section may be taken and possessed by any person at any time, except as provided in Section 3000:

(a) English sparrows (*Passer domesticus*).

(b) Starlings (*Sturnus vulgaris*).

*(Amended by Stats. 2007, Ch. 285, Sec. 70. Effective January 1, 2008.)*

### **3801.5.**

Nongame birds not covered by the Migratory Bird Treaty Act which are found to be injuring growing crops or property may be taken by the owner or tenant of the premises. They may also be so taken by officers or employees of the Department of Food and Agriculture or by federal or county officers or employees when acting in their official capacities pursuant to the provisions of the Food and Agricultural Code pertaining to pests, or pursuant to Article 6 (commencing with Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code.

Landowners and tenants taking birds in accordance with this section are exempt from Section 3007.

*(Amended by Stats. 1983, Ch. 101, Sec. 34.)*

### **3801.6.**

(a) Except as otherwise provided in this code or regulations made pursuant thereto, it is unlawful to possess the carcass, skin, or parts of any nongame bird. The feathers, carcass, skin, or parts of any nongame bird possessed by any person in violation of any of the provisions of this code shall be seized by the department and delivered to a California Native American tribal government or a scientific or educational institution, used by the department, or destroyed.

(b) (1) It shall be an affirmative defense to a violation of this section if the possessor of feathers, carcass, skin, or parts of a nongame bird legally acquired the feathers, carcass, skin, or parts, possesses them for tribal, cultural, or spiritual purposes, and satisfies either of the following criteria:

(A) The possessor is an enrolled member of a federally recognized Native American tribe or nonfederally recognized California Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission who has, in his or her immediate possession, valid tribal identification or other irrefutable proof of current enrollment.

(B) The possessor has a certificate of degree of Indian blood issued by the United States Bureau of Indian Affairs in his or her immediate possession.

(2) Nothing in this section allows any person to sell nongame bird feathers, carcasses, skins, or parts. Native Americans meeting the affirmative defense requirements may salvage dead nongame birds so long as the person salvaging these birds does not possess, nor is in the company of any person who possesses, a firearm, BB device as defined in Section 16250 of the Penal Code, trap, snare, net archery equipment, device capable of discharging a projectile, or any apparatus designed to take birds. Salvaging shall not take place by any person involved in the take of the nongame bird to be salvaged, any person present at the time of the take, or by any person who received related information originating from any person present at the time of the take of the nongame bird. Salvaging pursuant to this subdivision shall not take place if a bird has been struck with any thrown or discharged projectile, trapped, netted, caught, or snared.

(c) Notwithstanding subdivisions (a) and (b), any officer deputized pursuant to this code may interrupt any ongoing salvaging of dead nongame carcasses, feathers, skins, or parts if, in the officer's judgment, the activity causes a public disruption, safety hazard, or is detrimental to the ability of the department to prevent a possible violation of this section. The officer may seize any of the salvaged feathers, carcasses, skins, or parts and has the option of returning them to the general location from where they were salvaged.

*(Amended by Stats. 2010, Ch. 178, Sec. 30. Effective January 1, 2011. Operative January 1, 2012, by Sec. 107 of Ch. 178.)*

The department may enter into cooperative contracts with the United States Fish and Wildlife Service in the Department of the Interior in relation to the control or eradication of predatory birds, and for that purpose may expend any money made available to the department for expenditure for the control or eradication of predatory birds.

*(Enacted by Stats. 1957, Ch. 456.)*

### **3803.**

The department may take any individual bird, or birds of any species, that, in its opinion, are unduly preying upon any species of bird, mammal, reptile, amphibian, or fish.

*(Amended by Stats. 2007, Ch. 285, Sec. 72. Effective January 1, 2008.)*

### **3806.**

In order to aid in relieving widespread waterfowl depredation of agricultural crops, the department may issue licenses under regulations which the commission may prescribe to permit the feeding of migratory game birds. The commission may prescribe an annual fee for the license.

*(Amended by Stats. 1986, Ch. 1368, Sec. 15.)*

## **CHAPTER 4. California Condor [3850 - 3857]**

*( Chapter 4 added by Stats. 1988, Ch. 88, Sec. 1. )*

### **3850.**

The department may carry out a California condor preservation project which has the following objectives:

- (a) Habitat protection, consistent with the department's existing legal authority.
- (b) Field research, including mortality studies.
- (c) Captive breeding program.
- (d) Condor release program.

*(Added by Stats. 1988, Ch. 88, Sec. 1. Effective April 25, 1988.)*

### **3851.**

The department, jointly with the federal-state condor recovery team established pursuant to the federal Endangered Species Act shall develop a plan to respond to the objectives in Section 3850. Based on the plan, the department shall

develop specific activities, studies, and programs to be administered by the department in the areas of habitat protection and field research. The department may contract for all or some of these activities, studies, and programs.

*(Added by Stats. 1988, Ch. 88, Sec. 1. Effective April 25, 1988.)*

### 3852.

The department shall provide funds to the Zoological Society of San Diego and to the Los Angeles Zoo for a condor breeding program on the grounds of each zoo.

*(Added by Stats. 1988, Ch. 88, Sec. 1. Effective April 25, 1988.)*

### 3853.

In addition to the programs in Section 3852, a condor release program administered by the department and the United States Fish and Wildlife Service may be contracted to the Zoological Society of San Diego and the Los Angeles Zoo.

*(Added by Stats. 1988, Ch. 88, Sec. 1. Effective April 25, 1988.)*

### 3854.

Not more than 10 percent of the funds provided to the zoos under this chapter may be used for administrative costs of the program.

*(Added by Stats. 1988, Ch. 88, Sec. 1. Effective April 25, 1988.)*

### 3855.

Both the breeding program and the release program, if authorized by the department, shall meet criteria established by the department and shall be monitored by the department. The zoos shall submit biannual reports to the department which describe progress made in the breeding program and the release program.

*(Added by Stats. 1988, Ch. 88, Sec. 1. Effective April 25, 1988.)*

### 3856.

The department shall include copies of the biannual reports from the zoos in the annual report to the Legislature on the status of listed species required in Section 2079.

*(Added by Stats. 1988, Ch. 88, Sec. 1. Effective April 25, 1988.)*

3857.

To the extent possible, the department shall seek private sector funding and any federal funds which may be available to augment state funds for the purposes of this chapter.

*(Added by Stats. 1988, Ch. 88, Sec. 1. Effective April 25, 1988.)*