

FILE NO. 160217

Petitions and Communications received from February 29, 2016, through March 7, 2016, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on March 15, 2016.

**Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.**

From Mayor Lee, regarding the following appointment to the Small Business Commission. Copy: Each Supervisor. (1)  
Mark Dwight - term ending January 6, 2020.

From Mayor Lee, designating Supervisor Katy Tang as Acting-Mayor from March 4, 2016 to March 5, 2016. Copy: Each Supervisor. (2)

From Clerk of the Board, reporting that the following individuals have submitted Form 700 Statements: (3)

Jeffrey Cretan - Legislative Aide - Annual  
Dawn Duran - Assessment Appeals Board Administrator - Annual  
Peggy Nevin - Operations Deputy Director - Annual  
Rohan Lane - IT Administrator - Annual  
Arthur Louie - Budget and Legislative Analyst - Annual  
Harvey Rose - Budget and Legislative Analyst - Annual  
Catherine Stefani - Legislative Aide - Leaving

From Office of the City Administrator, submitting Amendment to the City and County of San Francisco Capital Plan FY2016-2025. Copy: Each Supervisor. (4)

From Office of the City Administrator, submitting the March 1, 2016 Surplus Property list. Copy: Each Supervisor. (5)

From Office of the City Administrator, submitting Report Slavery Disclosure Ordinance for 2015. Copy: Each Supervisor. (6)

From Capital Planning Committee, regarding Capital Plan Amendment to fund Animal Care and Control Shelter. File No. 160120. Copy: Each Supervisor. (7)

From Capital Planning Committee, submitting action items to be considered by the Board of Supervisors. Copy: Each Supervisor. (8)

From Board of State and Community Corrections, regarding 2014-2016 biennial inspection report of San Francisco's four detention facilities. Copy: Each Supervisor. (9)

From State Fish and Game Commission, submitting notice of proposed regulatory action for Mammal Regulations for the 2016-2017 Seasons. Copy: Each Supervisor. (10)

From State Fish and Game Commission, submitting notice of findings regarding the Humboldt marten. Copy: Each Supervisor. (11)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to the commercial sea urchin fishery. Copy: Each Supervisor. (12)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to Waterfowl Regulations for the 2016-2017 season. Copy: Each Supervisor. (13)

From State Fish and Game Commission, submitting notice of proposed regulatory action relating to fishing activity records and CPFV logbooks. Copy: Each Supervisor. (14)

From National Park Service Golden Gate National Recreation Area (GGNRA), regarding Environmental Assessment for Pacific Gas and Electric Company natural gas pipeline replacement project. Copy: Each Supervisor. (15)

From San Francisco Public Works, regarding notice of tentative approval of application for personal wireless service facility site permit. Copy: Each Supervisor. (16)

From San Francisco Public Defender, regarding review of sanctuary policies. File No. 160169. Copy: Each Supervisor. (17)

From West Area CPUC, regarding notification of filing for various Verizon Wireless locations. Copy: Each Supervisor. (18)

From St. Agnes Medical Center, regarding proposed legislation to prohibit sale of tobacco products to persons under age 21. File No. 151179. Copy: Each Supervisor. (19)

From San Francisco Opera Association., regarding application for Liquor License for 401 Van Ness Avenue. File No. 160209. (20)

From Box Car Theatre Inc., regarding application for Liquor License for 644 Broadway Street. File No. 160210. (21)

From California Common Cause, regarding San Francisco Open Source Voting System project. Copy: Each Supervisor. (22)

From Mari Eliza, regarding public access to documents. (23)

From Chris Wong, regarding legislation to rezone a section of Ocean Avenue. File No. 150271. Copy: Each Supervisor. (24)

From Marie Delloue, regarding San Francisco Animal Care and Control staff housing. Copy: Each Supervisor. (25)

From Zacks & Freedman, P.C., regarding conditional use authorization requirement for removal of residential units. File No. 160185. Copy: Each Supervisor. (26)

OFFICE OF THE MAYOR  
SAN FRANCISCO



ORIG: Rules  
C: COB, Leg. Dip,  
DepCA, Act. File,  
EDWIN M. LEE  
MAYOR *CPAG*

### Notice of Appointment

March 4, 2016

San Francisco Board of Supervisors  
City Hall, Room 244  
1 Carlton B. Goodlett Place  
San Francisco, California 94102

Honorable Board of Supervisors:

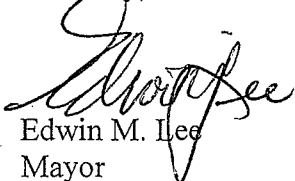
Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Mark Dwight, to the Small Business Commission, for a term ending January 6, 2020.

I am confident that Mr. Dwight, an elector of the City and County of San Francisco, will serve our community well. Attached are his qualifications to serve, which demonstrate how this appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any questions related to this appointment, please contact my Director of Appointments, Nicole Elliott at (415) 554-7940.

Sincerely,

  
Edwin M. Lee  
Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2016 MAR -4 AM 10:41  
BY *[Signature]*



OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

March 4, 2016

Angela Calvillo  
Clerk of the Board, Board of Supervisors  
San Francisco City Hall  
1 Carlton B. Goodlett Place  
San Francisco, CA 94102

Dear Ms. Calvillo,

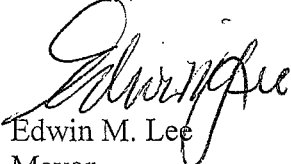
Pursuant to Section 3.100 (18) of the Charter of the City and County of San Francisco, I hereby make the following appointment:

Mark Dwight, to the Small Business Commission, for a term ending January 6, 2020.

I am confident that Mr. Dwight, and elector of the City and County of San Francisco, will serve our community well. Attached are his qualifications to serve, which demonstrate how this appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

Should you have any questions related to this appointment, please contact my Director of Appointments, Nicole Elliott, at (415) 554-7940.

Sincerely,

  
Edwin M. Lee  
Mayor

**Mark Dwight**  
**mark@rickshawbags.com**  
**415-904-8368**

Mark Dwight is the Founder and CEO of Rickshaw Bagworks, a San Francisco-based manufacturer of custom messenger bags, backpacks, computer carrying cases, tote bags, laptop/tablet sleeves and related accessories. Rickshaw manufactures its own products in its own cut and sew factory in the historic Dogpatch neighborhood in San Francisco. Since its founding in 2007, Rickshaw has grown to 30 full-time employees. Mark is also the founder of SFMade, an organization supporting San Francisco-based manufacturers and promoting job growth in the local manufacturing sector. Prior to founding Rickshaw, Mark was the CEO of Timbuk2 Designs (2002-2006); another San Francisco-based bag manufacturer. Before he started designing and making bags, Mark spent 20 years working in various Silicon Valley technology companies, including Spectra-Physics, KLA Instruments (KLA-Tencor), Digital Microwave (Aviat Networks), Astro Studios, Kensington, Ardent Communications and Cisco Systems (1997-2001).

Mark presently serves on the Board of Directors of the San Francisco Chamber of Commerce, and as a Commissioner on the San Francisco Small Business Commission. Mark has a B.S. in Mechanical Engineering (1982) and an MBA (1989), both from Stanford University.

Mark writes the MADE column for Inc. Magazine.

OFFICE OF THE MAYOR  
SAN FRANCISCO



Bos II, Aides, CoB, Deputy  
Deputy atty, Mayors  
EDWIN M. LEE  
MAYOR  
ORIG: CPAGE

March 4, 2016

Ms. Angela Calvillo  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Dear Ms. Calvillo,

Pursuant to Charter Section 3.100, I hereby designate Supervisor Katy Tang as Acting-Mayor from the time I leave the State of California on Friday, March 4, 2016 2:40 p.m., until I return on Saturday, March 5, 2016, at 8:40 p.m.

In the event I am delayed, I designate Supervisor Katy Tang to continue to be the Acting-Mayor until my return to California.

Sincerely,

A handwritten signature in cursive script, appearing to read "Edwin M. Lee".

Edwin M. Lee  
Mayor

cc: Mr. Dennis Herrera, City Attorney

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2016 MAR -4 AM 10:43  
BY [signature]

**BOARD of SUPERVISORS**



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

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**MEMORANDUM**

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Date: March 4, 2016  
To: Members, Board of Supervisors  
From: Angela Calvillo, Clerk of the Board  
Subject: Form 700

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This is to inform you that the following individual has submitted a Form 700 Statement:

Jeffrey Cretan – Legislative Aide – Annual  
Dawn Duran – AAB Administrator – Annual  
Peggy Nevin – Operations Deputy Director – Annual  
Rohan Lane – IT Administrator – Annual  
Arthur Louie – Budget Analyst – Annual  
Harvey Rose – Budget and Legislative Analyst – Annual  
Catherine Stefani – Legislative Aide - Leaving



OFFICE OF THE  
CITY ADMINISTRATOR

BAS-11, B+F C page



Edwin M. Lee, Mayor  
Naomi M. Kelly, City Administrator

COPY

March 1, 2016

The Honorable Edwin M. Lee, Mayor  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Honorable Members of the Board of Supervisors  
City and County of San Francisco  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Amendment to the City and County of San Francisco Capital Plan FY 2016 – FY 2025

Dear Mayor Lee and Members of the Board of Supervisors:

In compliance with the San Francisco Administrative Code Section 3.20, I am pleased to submit an amendment to the current City and County of San Francisco capital expenditure plan to fund construction of the Animal Care and Control Shelter using Certificates of Participation (COP).

To make this adjustment, the Capital Planning Committee recommended the following amendments to the General Fund Debt Program table found on page 11 of the current plan:

- Add the Animal Care and Control Shelter to the COP program in FY 2017 for \$49 million in proposed debt issuance. This project was formerly included in the General Obligation Bond program.
- Push back the year of proposed debt issuance for the Rehabilitation and Detention Facility project and related Hall of Justice Site Acquisition from FY 2016 to FY 2017 to enable the Re-envisioning the Jail Replacement Project Working Group to complete its assessment and deliver recommendations.
- Reduce the proposed debt issuance amount for the Rehabilitation and Detention Facility project from \$278 million to \$251 million to reflect previously approved adjustments to the project scope and the cost of delaying the project.

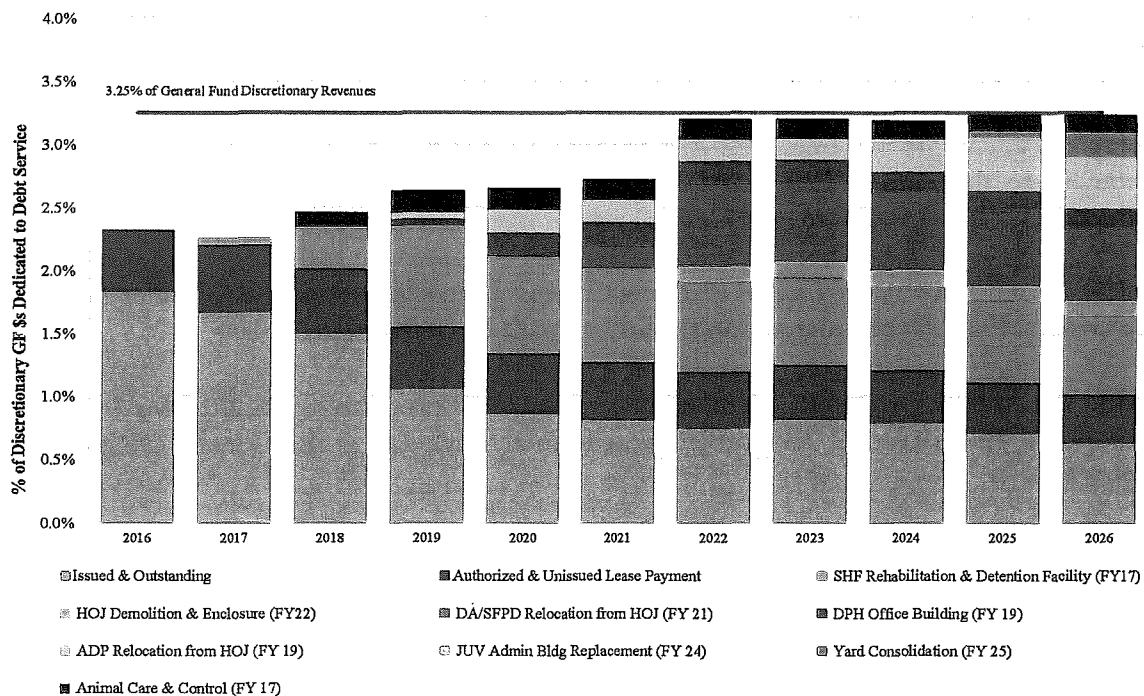
Unanimously approved by the Capital Planning Committee on February 29, 2016, these amendments comply with San Francisco's policy of limiting General Fund debt service payments to less than 3.25% of General Fund Discretionary Revenue. The revised General Fund Debt Program table and graph on pages 11 and 12 of the Capital Plan are shown below:

## General Fund Debt Program

(Dollars in Millions)

	<i>Proposed Debt Issuance</i>	<i>Amount</i>
FY 2017	Animal Care and Control Shelter	49
FY 2017	SHF Rehabilitation and Detention Facility	251
FY 2017	HOJ Site Acquisition	8
FY 2019	Adult Probation Relocation from HOJ	59
FY 2019	DPH Admin Building Relocation	60
FY 2021	DA and SFPD Relocation from HOJ	227
FY 2021	HOJ Land Purchase, Demolition & Enclosure	48
FY 2024	JUV Admin Building Replacement	107
FY 2025	Yard Consolidation	100
<b>General Fund Debt Total</b>		<b>\$908</b>

**Capital Plan Proposed General Fund Debt Program (Amended)  
FY 2016-2026**



Copies of the Capital Plan, along with materials related to the Capital Plan Amendment can be found at [www.onesanfrancisco.org](http://www.onesanfrancisco.org) or by contacting the Capital Planning Program at (415) 558-4515.

Sincerely,

*Naomi M. Kelly*

Naomi M. Kelly  
City Administrator

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**To:** BOS-Supervisors  
**Subject:** FW: Property Reporting Requirements under Administrative Code Section 23A  
**Attachments:** Property reporting memo 3.1.16.pdf; 3.1.2016 surplus property list.xls

**From:** Gavin, John (ECN)  
**Sent:** Wednesday, March 02, 2016 1:08 PM  
**To:** Gavin, John (ECN) <john.gavin@sfgov.org>  
**Subject:** Property Reporting Requirements under Administrative Code Section 23A

Dear Ms. Calvillo,

Pursuant to the reporting requirements under Administrative Code Section 23A, attached is the list of those parcels deemed surplus by the departments in jurisdiction.

Sincerely,

John

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**John L. Gavin**  
Chief Policy Advisor  
[Real Estate Division](#)  
25 Van Ness Ave. Suite 400  
San Francisco, CA 94102  
[John.Gavin@sfgov.org](mailto:John.Gavin@sfgov.org)  
o: 415.554.9862



# OFFICE OF THE CITY ADMINISTRATOR

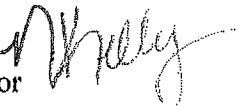


Edwin M. Lee, Mayor  
Naomi M. Kelly, City Administrator

## MEMORANDUM

March 1, 2016

**TO:** Mayor Edwin M. Lee and the Honorable Board of Supervisors

**FROM:** Naomi M. Kelly   
City Administrator

**SUBJECT:** Property Reporting Requirements under Administrative Code Section 23A

Pursuant to the reporting requirements under Administrative Code Section 23A, attached is the list of those parcels deemed surplus by the departments in jurisdiction. Although the code only requires a report of those parcels of 10,890 square feet or larger (Section 23A.4), in an effort to provide the greatest possible transparency to our elected officials and to the public, we have included all parcels deemed surplus, no matter their size.

This is the first year under the newly adopted timelines and process of Code Section 23A. The process of updating and improving our data regarding real property will be continuous, and in several weeks we'll have a new dedicated staff resource at the Real Estate Division to focus solely on surplus asset reporting, transfer, development and disposition.

The process of review of certain assets by the Mayor's Office of Housing and Community Development will now commence, and their feasibility evaluation for each property surveyed will be completed by June 1 (Section 23A.7).

**cc:** John Updike, Director of Real Estate  
Olson Lee, Director of MOHCD



REIS

## SURPLUS PROPERTY

Property Name	Address	Jurisdiction (Land)	No. of Lots	Land Area(sf)	Bldg Area	Bldg Use	Zoning	District	Vacant	Surplus	Block-Lot
VACANT LAND - FITZGERALD	1000 FITZGERALD AVENUE	Public Works	2	9992	0				TRUE	TRUE	4924-009
VACANT LAND - BANCROFT	1400 BANCROFT	Public Works	1	4996	0				TRUE	TRUE	4866-008
STATE RELINQUISHMENT	149 Milton St	Public Works	1	80	0		P	8	TRUE	TRUE	6750-054
OBSERVATION AREA	191 PORTOLA	Public Works	1	50141	0		P-OS	8	TRUE	TRUE	2848-001
SOUTHERN FWY (REMAINDER) AT THOMAS	NO ADDRESS	Public Works	1	1546	0		PDR-2	10	TRUE	TRUE	5350-050
SOUTHERN FWY (REMAINDER) AT THOMAS	2198 THOMAS AVE	Public Works	1	2047	0		PDR-2	10	TRUE	TRUE	5350-048
CESAR CHAVEZ ST CIRCLE	2627 CESAR CHAVEZ	Public Works	1	7278	0		PDR-2	10	TRUE	TRUE	4339-002A
FORMER EMERGENCY HOSPITAL	35 ONONDAGA	Public Health	1	3110	3960	Vacant	P	11	FALSE	TRUE	6959-016
FRANCONIA ST ALIGNMENT	401 FRANCONIA	Public Works	1	2282	0		RH-1	9	TRUE	TRUE	5635-023
MISSION ST PARCEL	4011 MISSION	Public Works	2	1161	0		RH-2	9	TRUE	TRUE	5835-011A
FORMER HEALTH OFFICE	45 ONONDAGA	Public Health	1	4000	4244	Vacant	NC-3	11	FALSE	TRUE	6959-017
EXCESS PROPERTY	455 BUSH	Public Works	2	949	0		C-3-R	3	TRUE	TRUE	0287-015
UNDEDICATED STREET	59 Ord Ct	Public Works	1	125	0		RH-2	8	TRUE	TRUE	2619-086
PUBLIC WORKS LANDS	691 ALEMANY	Public Works	3	9425	0		RH-1	9	TRUE	TRUE	5886-058
PLAZA - CLIPPER & 26TH STS	840 CLIPPER	Public Works	1	15868	0		P-OS	8	TRUE	TRUE	2850-023
DWIGHT ST PARCEL	859 DWIGHT	Public Works	1	997	0		RH-1	9	TRUE	TRUE	6130-031
CESAR CHAVEZ ST RIGHT-OF-WAY	900 CESAR CHAVEZ ST	Public Works	1	2896	0		P	10	TRUE	TRUE	4314-001
UNDEDICATED STREET	AUGUSTA & CHARTER OAK	Public Works	1	1685	0		P	10	TRUE	TRUE	5376-066
CITY-OWNED PARCEL (BAY SHORE BLVD & SILVER)	BAY SHORE BLVD & SILVER AVE	Public Works	1	897	0		NC-1	10	TRUE	TRUE	5402-060
BOSWORTH ST	BOSWORTH & BROMPTON	Public Works	1	4387	0		P-OS	8	TRUE	TRUE	6744-032
BOSWORTH ST (REMAINDER AT BURNSIDE)	BOSWORTH & BURNSIDE	Public Works	1	27878	0		P-OS	8	TRUE	TRUE	6736-033
BOSWORTH ST (REMAINDER AT CHILTON)	BOSWORTH & CHILTON	Public Works	1	11192	0		P-OS	8	TRUE	TRUE	6738-030
BOSWORTH ST	BOSWORTH & LIPPARD	Public Works	1	13429	0		P-OS	8	TRUE	TRUE	6743-025
BROADWAY TUNNEL REMAINDER	BROADWAY & LARKIN	Public Works	1	400	0		RH-3	3	TRUE	TRUE	0154-028
GENEVA AVE (REMAINDER AT CAYUGA)	CAYUGA & GENEVA AVENUE	Public Works	---	265	0		RH-1	11	TRUE	TRUE	7029-028
CESAR CHAVEZ ST (REMAINDER)	CESAR CHAVEZ & GUERRERO ST	Public Works	1	701	0		RH-3	8	TRUE	TRUE	6567-009A
UNDEDICATED ST (DE LONG STREET & SAN DIEGO STREET)	DE LONG STREET & SAN DIEGO ST	Public Works	4	900	0		P		TRUE	TRUE	7174-051
UNDEDICATED STREET	E OF ROOSEVELT & PARK HILL	Public Works	1	196	0		RH-2	8	TRUE	TRUE	2608-032
UNDEDICATED ST (LA GRANDE & MANSFIELD)	LA GRANDE & MANSFIELD	Public Works	1	374	0		RH-1	11	TRUE	TRUE	5963A-001
OLD BURNETT AVE (VACATED)	PALO ALTO & GLENBROOK	Public Works	1	7270	0		RH-2	8	TRUE	TRUE	2719B-046
UNDEDICATED ST	SE CARL & ARGUELLO	Public Works	1	1646	0		P	5	TRUE	TRUE	1275A-029
REMAINDER PARCEL	BTWN BART & I-280	Public Works	1	848	0			11	TRUE	TRUE	7176-032
REMAINDER PARCEL	UNDER SOUTHBOUND I-280	Public Works	1	4996	0			11	TRUE	TRUE	7126A-007
REMAINDER PARCEL	UNDER NORTHBOUND I-280	Public Works	1	287	0			11	TRUE	TRUE	7153-051
OLD MINT	88 FIFTH STREET	Real Estate	1	47510				6	FALSE	TRUE	3704-011
OLD POTRERO STATION	2300 THIRD STREET	Police	1	11992	18162	Vacant	P	10	FALSE	TRUE	4108-037
OLD FIRE STATION 21	1152 OAK STREET	Fire	1	3436		Vacant	NCT	5	FALSE	TRUE	1215-010
FIRE CHIEF'S RESIDENCE	870 BUSH STREET	Fire	1	7135		Vacant	RC-4	3	FALSE	TRUE	0274-010
	1051 PALOU	MOHCD	1	4530	0	Vacant	M-1	10	TRUE	TRUE	4756-046
FORMER STORAGE	240 VAN NESS	Real Estate	1	5449	10898	Vacant	C-3-G	6	TRUE	TRUE	0811-019
ARTS COMM VISUAL/AUDIO DISPLAY ONLY	155 GROVE STREET	Arts Comm	1	4186		Vacant	P	6	FALSE	TRUE	0811-016
PLEASE TOUCH GARDEN	165 GROVE STREET	Real Estate	1	4116			P	6	TRUE	TRUE	0811-021
	114 ELMIRA STREET	MOHCD	1	2040	0		P	10	TRUE	TRUE	5377-068
	395 JUSTIN DRIVE	MOHCD	1	962	0		RH-1	9	TRUE	TRUE	5842-048
JUNIPERO SERRA AT SHIELDS		MOHCD	1	2439	0		RH-1	11	TRUE	TRUE	7000-025

REIS

SURPLUS PROPERTY

Property Name	Address	Jurisdiction (Land)	No. of Lots	Land Area(sf)	Bldg Area	Bldg Use	Zoning	District	Vacant	Surplus	Block-Lot
GENEVA AT OCEAN		MOHCD	1	8575	0		RH-2	7	TRUE	TRUE	6946-061
COMMUNITY GARDEN-CORBETT HEIGHTS	331 CORBETT	Public Works	1	12700	0		P	8	TRUE	TRUE	2659-059

## REIS

Comments/Status
Underwater Lots - removing from list
Underwater Lots - removing from list
Possible sale to Caltrans
MOHCD review
Possible sale to Caltrans
Possible sale to Caltrans
Possible encroachment
Legislation Pending for Sale
Possible dedication as r/w
Possible encroachment
Legislation Pending for Sale
Possible encroachment
Possible dedication as r/w
multiple parcels, possible r/w
MOHCD review
Possible encroachment
Possible encroachment
Possible encroachment
Community Garden
Community Garden
Community Garden
Community Garden
Possible encroachment
Possible encroachment
Possible sale
Possible sale to BART
Possible encroachment
JT to Rec-Park
MOHCD review
Possible sale to UCSF
Possible sale to Caltrans
Possible sale to Caltrans
Possible sale to Caltrans
RFQ process underway, w/interim activation
Vacant/Abandoned Notice on file
Weight equipment/Guardian's use
Possible Sale
Vacant/Abandoned Notice on file
UMB
Community Garden
Possible sale-used as parking
Possible encroachment
Possible encroachment

## SURPLUS PROPERTY

REIS

Comments/Status
Possible dedication as r/w
Governed by ordinance 02-12

SURPLUS PROPERTY

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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: RE: Report Slavery Disclosure Ordinance for 2015  
**Attachments:** Report Slavery Disclosure Ordinance for 2015.pdf

**From:** Gallagher, Jack (ADM)  
**Sent:** Thursday, March 03, 2016 3:35 PM  
**To:** BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>  
**Cc:** Barnes, Bill (ADM) <[bill.barnes@sfgov.org](mailto:bill.barnes@sfgov.org)>  
**Subject:** RE: Report Slavery Disclosure Ordinance for 2015

TO: BOS Legislation  
Date: March 3, 2016

RE: Report Slavery Disclosure Ordinance for 2015

Attached is the Report Slavery Disclosure Ordinance for 2015.

If you have any questions on the ordinance please contact Joan Lubamersky at [joan.lubamersky@sfgov.org](mailto:joan.lubamersky@sfgov.org) or (415) 554-4859

Regards,

Jack Gallagher  
Office of the City Administrator  
City and County of San Francisco  
1 Dr. Carlton B. Goodlet Place, Room 362  
(415) 554-6272  
[jack.gallagher@sfgov.org](mailto:jack.gallagher@sfgov.org)



OFFICE OF THE  
CITY ADMINISTRATOR



Edwin M. Lee, Mayor  
Naomi M. Kelly, City Administrator

March 2, 2016

Angela Calvillo, Clerk of the Board  
Board of Supervisors  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Subject: Report Slavery Disclosure Ordinance for 2015

Dear Ms. Calvillo:

The Slavery Disclosure Ordinance (Section 12Y of the Administrative Code) was passed by the Board of Supervisors and signed by Mayor Newsom in 2006. As outlined in Section 12Y (b), the purpose of the Ordinance was to promote full and accurate disclosure to the public of insurance and financial transactions and activity in the textiles industry that, directly or indirectly or through their parent entities, were involved in the slave industry.

The Ordinance provides that the City Administrator report annually to the Board of Supervisors, receive affidavits from companies subject to the Ordinance, and encourage contributions to a Special Fund to ameliorate the effects of slavery.

Please let me know if you have any questions or contact my staff, Joan Lubamersky, [joan.lubamersky@sfgov.org](mailto:joan.lubamersky@sfgov.org), 415-554-4859.

Sincerely,

  
Naomi M. Kelly  
City Administrator

Enclosure



# OFFICE OF THE CITY ADMINISTRATOR



Edwin M. Lee, Mayor  
Naomi M. Kelly, City Administrator

## **SLAVERY ERA DISCLOSURE ORDINANCE**

### **CITY AND COUNTY OF SAN FRANCISCO**

**Report to the Mayor and Board of Supervisors – 2015 Update**

**Prepared by the Office of the City Administrator**

## **TABLE OF CONTENTS**

1. Introduction	Page 3
2. Update	Page 4, 5
Current Vendors and Affidavits Development Fund	

### **Appendices**

A. Slavery Era Disclosure Ordinance, Chapter 12Y Administrative Code	Page 6
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## **INTRODUCTION**

The Slavery Disclosure Ordinance (Section 12Y of the Administrative Code) was passed by the Board of Supervisors and signed by Mayor Newsom in 2006 with the goal of promoting full and accurate disclosure to the public of insurance and financial transactions and activity in the textiles industry that, directly or indirectly or through their parent entities, were involved in the slave industry. (For example, those companies that bought or sold people subjected to slavery, provided property insurance covering people subjected to slavery, provided loans to purchase people subjected to slavery, used people subjected to slavery as collateral for insurance policies or other transactions, profited from the trade in people subjected to slavery and/or provided related services to aid and abet such trade.)

The Ordinance requires that every contractor providing insurance/insurance services, financial services or textiles to the City be required to file an affidavit with the City Administrator verifying that the contractor has searched all company records (including those of parent, predecessor or subsidiary companies) for any relevant records concerning whether the contractor, parent, subsidiary or predecessor participated in the slave trade or received profits from the slave trade. The Ordinance also directed that a fund be established to which contractors covered by the Ordinance could make voluntary contributions to ameliorate the legacy of the slavery era. (Section 12Y.5 (a).)

The 2007 Slavery Disclosure Ordinance report provides an extensive history of the background on the issue of disclosure legislation in other parts of the country, and development of the Ordinance in San Francisco. The report is available at [http://sfgov.org/sfc/slaveryera/Modules/SE\\_Report\\_3efb.pdf?documentid=860](http://sfgov.org/sfc/slaveryera/Modules/SE_Report_3efb.pdf?documentid=860).

The City Attorney advises that a firm is required to file only once with the City, not for each new contract; therefore, this report provides information on new affidavits received, and on requests for donations requested for the Development Fund to Ameliorate the Effects of Slavery.

The departments that have a relationship with one or more contractors for financial/banking services, insurance services and/or textiles that are covered under the Ordinance requirements include those that reported in 2007 (i.e., Risk Management, the Office of Public Finance and Treasurer, as well as the Office of the Controller which subsequently entered into an agreement with a covered contractor that filed an affidavit in 2013. It should be noted that some financial institutions are exempt from the Ordinance. Those providing information did so voluntarily.

## **UPDATE – Current Vendors and Affidavits**

**The Office of Risk Management** currently contracts with the following firms for insurance services:

Arthur J. Gallagher, Inc. Insurance Brokers of California: Filed an affidavit in 2013  
AON Risk Solutions. Filed an affidavit in 2007.  
Alliant Insurance Services. Filed an affidavit in 2013.  
Meriwether & Williams Insurance Services: Filed an affidavit in 2013

**The Treasurer-Tax Collector** currently contracts with the following firms for financial services:

Bank of America: Filed an affidavit in 2007.  
Citibank. Exempt under Admin Code Section 12Y.3 (a) (4)  
U.S. Bank: Filed an affidavit in 2007

**The Controller's Office** has a contract with Meketa Investment Group. They filed an affidavit in 2013.

**The Controller's Office of Public Finance** vendors are not required to file.

These vendors filed voluntarily in 2007:

Bank of America, N.A.  
Bank of New York Mellon Trust Company  
JP Morgan Chase Bank, N.A.  
US Bank, N.A.  
Wells Fargo, N.A.

## **Development Fund (Section 12Y.5)**

### **Voluntary Contributions to Ameliorate the Effects of Slavery**

No contributions have been received for the fund to date. In February of last year, I sent letters to financial and insurance vendors doing business with the City at that time. I did not receive any responses.

As provided in the Ordinance, we will report on contributions to and expenditures from the account in each annual report.

## **APPENDIX A**

### **Slavery Era Disclosure Ordinance, Chapter 12Y Administrative Code**

## San Francisco Administrative Code

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## **CHAPTER 12Y: SAN FRANCISCO SLAVERY DISCLOSURE ORDINANCE \***

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- Sec. 12Y.1. Findings and Purpose.
- Sec. 12Y.2. Definitions.
- Sec. 12Y.3. Exceptions.
- Sec. 12Y.4. Slavery Era Disclosure.
- Sec. 12Y.5. Voluntary Contributions to Ameliorate the Effects of Slavery.
- Sec. 12Y.6. Enforcement.
- Sec. 12Y.7. Severability.

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### **SEC. 12Y.1. FINDINGS AND PURPOSE.**

The Board of Supervisors of the City and County of San Francisco hereby finds and declares that:

(a) Insurance policies from the American slavery era, which have been discovered in the archives of several insurance companies, document insurance coverage to slaveholders for damage to or death of people subjected to slavery. In some cases, existing insurance firms or their predecessor firms issued these policies.

(b) Further records may exist showing that insurance companies, financial services firms, and textile companies, either directly or through their parent entities, subsidiaries, predecessors in interest, or otherwise, bought or sold people subjected to slavery, provided property insurance covering people subjected to slavery, provided loans to purchase people subjected to slavery, used people subjected to slavery as collateral for insurance policies or other transactions, profited from the trade in people subjected to slavery, and/or provided related services to aid and abet such trade.

(c) Discovery and publication of these records is an important first step in addressing the legacy of slavery in this country. For example, in June of 2005, the Wachovia Corporation, in the course of complying with a Chicago law similar to this Ordinance, discovered that some of its predecessor companies owned slaves and used slaves as collateral for loans. Wachovia issued an apology for the actions of its predecessor companies, and called for a "stronger dialogue about slavery and the experience of African-Americans in our country."

(d) Insurance policies, loan documents and other documents and records provide evidence of ill-gotten profits from slavery, which profits, in part, capitalized insurers, financial services providers and textile companies. The successors of these companies remain in existence today, and such profits from the uncompensated labor of enslaved Africans represent a continuing legacy of slavery.

(e) Slavery was legal at the time that the contemptible practices outlined above occurred, but that does not make the practices any less repugnant, abhorrent or deplorable, nor in any way diminish the gravity of these wrongs or the importance of rectifying and remediating these travesties.

(f) Deplorable treatment of Africans brought to this country as slaves was not limited to the southern states. In 1852, the California Legislature passed a California Fugitive Slave Act that gave white men the power to arrest Africans who they claimed were slaves, and return them to southern slave states. California's first governor, Peter Burnet, recommended during the first session of the California Legislature that the Assembly adopt a bill to exclude "Free Negroes" from California. In 1858, the Assembly passed House Bill 395, "an Act to Restrict and Prevent the Immigration to and Residence in this State of Negroes and Mulattoes." These laws, and others like them, were a major factor in the decision of several hundred African men and women to migrate from San Francisco to Victoria, Canada.

(g) Many San Francisco residents are descendants of people subjected to slavery, people who were defined as private property and insured as such, people who were used as collateral for insurance policies, loans and other transactions, were dehumanized, snatched from their families, and coerced into performing labor without appropriate compensation or benefits.

(h) Appropriate compensation to Africans for their labor would have been bequeathed to their descendants to assist them in developing a solid economic base that included individual wealth and thriving African American community institutions, thereby providing a level playing field and ensuring equal opportunity in this country.

(i) The City and County of San Francisco acknowledges the loss of assets that rightfully should be the property of descendants of African people subjected to slavery, and extends its apologies to their descendants who continue to suffer the legacy of slavery.

(j) The San Francisco Board of Supervisors pays tribute to and honors the people subjected to slavery who toiled and sacrificed their lives in building this country's economic foundation, and also honors descendants of those people subjected to slavery in America who, notwithstanding the degradation of slavery and discrimination, and the systematic efforts to deprive them of a sense of family, human dignity and prosperity, have developed a vibrant community, culture, and creative genius, and have made untold contributions to the fabric of our society, in the absence of which this nation would not be recognizable.

(k) The effects of racism on the residents of the City and County of San Francisco have been well documented in the San Francisco Human Rights Commission's authorized study, The Unfinished Agenda, and in the Report of the 2004-2005 Civil Grand Jury for the City and County of San Francisco, The More Things Change, The More They Stay The Same: The City and County of San Francisco and the San Francisco Unified School District Are Failing to Address the Educational Needs of the Bayview Hunters Point Community.

(l) The aforesaid residents, and all of the residents of San Francisco, are entitled to full disclosure of the information regarding the above-described transactions that compensated slaveholders for damages to and death of people subjected to slavery and provided other compensation and profits.

(m) In 2000, the California State Legislature passed Senate Bill 2199, authored by then State Senator Tom Hayden, entitled "Slavery Era Insurance Policies." Senate Bill 2199 (California Insurance Code section 13810 et seq.), effective January 1, 2001, requires that (1) the State Insurance Commissioner request and obtain information from insurers licensed and doing business in California regarding records of slaveholder insurance policies issued by predecessor corporations during the slavery era; (2) each insurer licensed and doing business in California research and report to the Insurance Commissioner with respect to any records in its possession or knowledge relating to insurance policies issued to slaveholders that provided coverage for damage to or death of people subjected to slavery; (3) the State Insurance Commissioner obtain the names of any slaveholders or people subjected to slavery described in the insurance records and make the information available to

the public and the Legislature; and (4) descendants of people subjected to slavery, people who were defined as private property, dehumanized, divided from their families, forced to perform labor without appropriate compensation or benefits, and whose owners insured them as property, are entitled to full disclosure.

(n) The Board of Supervisors finds that full disclosure of the facts and acknowledgement of the depth and scope of the shameful commerce in slavery furthers healing in the San Francisco community, both on the part of those who have been and are continuing to be harmed, as well as those who profited from this abhorrent practice.

(o) The Board of Supervisors finds that the establishment of a fund to which contractors subject to this Ordinance and others may make voluntary contributions will promote healing and assist the City in rectifying and remedying some of the legacies of the shameful commerce in slavery, thereby protecting and promoting public health, safety and welfare of San Francisco residents and the San Francisco community.

(p) The purpose of this Ordinance is to promote full and accurate disclosure to the public of: slavery insurance policies, including but not limited to policies issued to slaveholders for damage to or death of persons subjected to slavery, and policies issued to insure business transactions and operations related to the traffic in persons subjected to slavery; evidence of purchase and sale of people subjected to slavery; provision of loans to purchase people subjected to slavery; use of people subjected to slavery as collateral for insurance policies, loans or other transactions; provision of any related services to aid and abet such transactions; and profits derived from the slave trade; by (i) any contractors providing insurance services or financial services to the City, and (ii) any textile companies doing business with the City.

(q) The purpose of this Ordinance is also is to establish a fund to which contractors subject to this ordinance and others may make voluntary contributions to promote healing and assist in remedying depressed economic conditions, poverty, unequal educational opportunity and other legacies of slavery era among the population of the City.

(r) This Ordinance promotes important policy objectives of the City, and the City will suffer actual damages due to contractors' failure to comply with this Ordinance. Because these actual damages will be impractical or extremely difficult to prove, the City is justified in imposing liquidated damages for failure to comply with this Ordinance.

(Added by Ord. 275-06, File No. 060396, App. 11/17/2006)

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## **SEC. 12Y.2. DEFINITIONS.**

As used in this Chapter, the following capitalized terms shall have the following meanings:

(a) "Contract" shall mean an agreement between the City and any person, persons or other entity for public works or improvements to be performed, or for goods or services to be purchased, out of the treasury of the City and County, or out of trust monies under the control of or collected by the City and County.

(b) "Contract Amendment" shall mean an agreement entered into on or after the effective date of this Ordinance pursuant to which a Contract entered into prior to the effective date of this Ordinance is modified or supplemented to: (1) extend the term of the Contract; (2) modify the total amount of money due from the City under the Contract; (3) modify the scope of services to be performed under the Contract; or (4) increase the amount, or change the nature of, goods to be provided under the Contract. The term "Contract Amendment" does not include construction change orders.

(c) "Contractor" shall mean any person or persons, firm, partnership, corporation, or combination thereof, which enters into a Contract with a department head or other employee or officer empowered by law to enter into Contracts on the part of the City.

(d) "Director" shall mean the Director of Administrative Services.

(e) "Participated in the Slave Trade" shall mean: (1) issued slavery insurance policies, including but not limited to policies issued to Slaveholders for damage to or death of Persons Subjected to Slavery, and policies issued to insure business transactions and operations related to the traffic in Persons Subjected to Slavery; (2) purchased, sold or held Persons Subjected to Slavery; (3) provided loans to others to facilitate the purchase, sale, transport, or enslavement of Persons Subjected to Slavery; (4) used Persons Subjected to Slavery as collateral for insurance policies, loans or other transactions; (5) facilitated the traffic in Persons Subjected Slavery by transporting such persons by boat or rail; or (vi) provided any other services to aid and abet the traffic in Persons Subjected to Slavery.

(f) "Person Subjected to Slavery" shall mean any person who was wholly subject to the will of another, whose person and services were wholly under the control of another, who was in a state of enforced and compulsory service to another, and who was deemed by law to be the property of another during the Slavery Era.

(g) "Predecessor Company" shall mean an entity whose ownership, title and interest, including all rights, benefits, duties and liabilities, were acquired in an uninterrupted chain of succession by the Contractor.

(h) "Profits from the Slave Trade" shall mean any economic advantage or financial benefit derived from the labor of Persons Subjected to Slavery or from Participation in the Slave Trade.

(i) "Slaveholder" shall mean holders of Persons Subjected to Slavery, owners of business enterprises that used the labor of Persons Subjected to Slavery, owners of vessels or other modes of transport that transported Persons Subjected to Slavery, and merchants or financiers dealing in the purchase, sale or other business transactions related to Persons Subjected to Slavery.

(j) "Slavery Era" shall mean that period of time in the United States of America prior to the year "1865."

(Added by Ord. 275-06, File No. 060396, App. 11/17/2006)

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## **SEC. 12Y.3. EXCEPTIONS.**

This Chapter shall not be applicable to the following:

(a) Contracts for: (1) the receipt, administration, management or investment of monies held in trust by the City in the Retirement Fund or the Health Service System Trust Fund; (2) the provision of medical or dental insurance to City employees; (3) the issuance, sale, management or administration of City bonds, notes or lease financings, or other similar obligations, and related credit, liquidity, payment exchange and other agreements; (4) the safeguard, deposit and investment of City funds by the City Treasurer in accordance with Charter Section 6.106; and (5) the subordination or reorganization of debt held by the City.

(b) Contracts, loans or grant agreements with a federal or state agency, if the application of this Chapter would violate, or be inconsistent with, the terms or conditions of any such grant, loan or contract, or with the instructions or directions of the applicable Federal or State agency.



(c) Contracts for urgent litigation expenses, and agreements entered into pursuant to the settlement of legal proceedings.

(d) Contracts for needed goods or services where the Director finds that such goods or services are available from only one source that is (1) willing to enter into a contract with the City on the terms and conditions established by the City and (2) not currently disqualified from doing business with the City.

(e) Contracts entered into in emergency situations in which it is necessary to immediately procure commodities or services, or to make repairs to safeguard the lives or property of the citizens of the City, or the property of the City, or to maintain public health or welfare as a result of extraordinary conditions created by war, epidemic, natural disaster, or the breakdown of any plant, equipment, or structure in the City.

(f) Contracts for a cumulative amount of \$5,000.00 or less per vendor in each fiscal year.

(Added by Ord. 275-06, File No. 060396, App. 11/17/2006)

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## **SEC. 12Y.4. SLAVERY ERA DISCLOSURE.**

(a) Each Contractor providing: 1) insurance or insurance services; 2) financial services, or 3) textiles to the City, shall complete an affidavit verifying that the Contractor has searched through any and all records in the Contractor's possession or control, including records of any parent or subsidiary entity or Predecessor Company, and has made a good faith effort to search any relevant records that are within the Contractor's knowledge but not within its possession or control, for evidence that the Contractor, its parent or subsidiary entity, or its Predecessor Company Participated in the Slave Trade or received Profits from the Slave Trade.

(b) Each Contractor described above shall file an affidavit with the Director attesting to the search for relevant records, and stating whether the Contractor located any relevant records. If the Contractor located relevant records, the Contractor shall include in the affidavit: (1) the names of each Person Subjected to Slavery, each Slaveholder, and each person or entity who Participated in the Slave Trade or derived Profits from the Slave Trade, mentioned in the records, (2) a description of the type of transactions, services, or other acts evidenced by the records; and (3) the extent and nature of any Profits from the Slave Trade evidenced by the records.

(c) Information contained in the affidavits shall be subject to public disclosure. The Director, after consultation with the City Attorney, shall, to the extent consistent with local, state, and federal law: (1) provide the affidavits to the public upon request, (2) provide an initial report to the Mayor and the Board of Supervisors, at an open public meeting no later than nine months following the effective date of this Ordinance, setting forth the number of affidavits received in the initial nine-month period, and summarizing the information contained in those affidavits; and (3) continue to provide such reports annually to the Board of Supervisors.

(d) After the effective date of this Ordinance, no new Contract or new Contract Amendment shall be binding upon the City until the Director receives the affidavit described above.

(Added by Ord. 275-06, File No. 060396, App. 11/17/2006)

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## **SEC. 12Y.5. VOLUNTARY CONTRIBUTIONS TO AMELIORATE THE EFFECTS OF SLAVERY.**

(a) The Controller shall establish an account for the collection of voluntary contributions from Contractors subject to this Ordinance, and from any other persons or entities, to be used to ameliorate the legacy of the Slavery Era on Persons Subjected to Slavery and their descendants.

(b) The Director shall encourage all Contractors subject to this Ordinance to make voluntary contributions to the account.

(c) The Director shall include in the report to the Board of Supervisors required by Section 12Y.4(c)(2), above, the amount of any contributions to the account collected during the first nine months after the effective date of this Ordinance. The Director, after consultation with the San Francisco African American Historical & Cultural Society, shall include in this initial report a recommendation for a method of determining how to expend monies contributed to the account.

(d) The Director shall include a report on contributions to and expenditures from the account in each subsequent annual report required by Section 12Y.4(c)(3) of this Ordinance.

(Added by Ord. 275-06, File No. 060396, App. 11/17/2006)

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## SEC. 12Y.6. ENFORCEMENT.

(a) All Contracts shall provide that in the event the Director finds that a Contractor has failed to file an affidavit as required by Section 12Y.4(a), or has willfully filed a false affidavit, the Contractor shall be liable for liquidated damages for each Contract in an amount equal to the Contractor's net profit on the Contract, 10 percent of the total amount of the Contract, or \$1,000.00, whichever is greatest, as determined by the Director. All Contracts shall also contain a provision in which the Contractor acknowledges and agrees that the liquidated damages assessed shall be payable to the City upon demand and may be set off against any monies due to the Contractor from any Contract with the City.

(b) All Contracts shall require Contractors to maintain records necessary for monitoring their compliance with this Ordinance.

(Added by Ord. 275-06, File No. 060396, App. 11/17/2006)

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## SEC. 12Y.7. SEVERABILITY.

In the event that a court or agency of competent jurisdiction holds that federal or state law, rule or regulation invalidates any clause, sentence, paragraph or section of this Chapter or the application thereof to any person or circumstances, it is the intent of the Board of Supervisors that the court or agency sever such clause, sentence, paragraph or section so that the remainder of this Chapter shall remain in effect.

(Added by Ord. 275-06, File No. 060396, App. 11/17/2006)

### Notes

\* ***\*Editor's note***

*Proposition F, approved November 7, 2006, added provisions designated as a new Ch. 12W, Sick Leave, to read as herein set out. At the request of the city, former Ch. 12W, pertaining to the San Francisco Slavery Disclosure Ordinance, has been renumbered as Ch. 12Y.*



# Capital Planning Committee

BOS-11, B+F  
clerk  
Npage

Naomi M. Kelly, City Administrator, Chair

## MEMORANDUM

February 29, 2016

**To:** Supervisor London Breed, Board President *N. Kelly*  
**From:** Naomi Kelly, City Administrator and Capital Planning Committee Chair  
**Copy:** Members of the Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Capital Planning Committee  
**Regarding:** (1) Capital Plan Amendment

In accordance with Section 3.21 of the Administrative Code, on February 29, 2016, the Capital Planning Committee (CPC) approved the following action items to be considered by the Board of Supervisors. The CPC's recommendations are set forth below.

### 1. Board File Number: 160120

#### Approval of a Capital Plan amendment to fund the Animal Care and Control Shelter with Certificates of Participation

**Recommendation:**

Recommend the Board of Supervisors (BOS) approve the Capital Plan amendment.

**Comments:**

The CPC recommends approval of these items by a vote of 10-0.

Committee members or representatives in favor include:  
Naomi Kelly, City Administrator; Conor Johnston, Board President's Office; Melissa Whitehouse, Mayor's Budget Office; Ben Rosenfield, Controller; Mohammed Nuru, Director, Public Works; Ed Reiskin, Director, SFMTA; Thomas DiSanto, Planning Department; Dawn Kamalanathan, Recreation and Parks Department; Ivar Satero, San Francisco International Airport; and Elaine Forbes, Interim Director, Port of San Francisco.



# Capital Planning Committee

BOS-11, B+F  
clerk  
CPAGC

Naomi M. Kelly, City Administrator, Chair

## MEMORANDUM

February 22, 2016

**To:** Supervisor London Breed, Board President *mkelly*  
**From:** Naomi Kelly, City Administrator and Capital Planning Committee Chair  
**Copy:** Members of the Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Capital Planning Committee  
**Regarding:** (1) Earthquake and Emergency Response (ESER) 2010 and ESER 2014 General Obligation (G.O.) Bond Sales (2) Road Repaving and Street Safety 2011 G.O. Bond Sale (3) Recreation and Parks Department Supplemental Ordinance (4) Capital Plan Amendment

In accordance with Section 3.21 of the Administrative Code, on February 22, 2016, the Capital Planning Committee (CPC) approved the following action items to be considered by the Board of Supervisors. The CPC's recommendations are set forth below.

### 1. Board File Number: TBD

**Approval of the resolutions authorizing and directing the sale of General Obligation Bonds (Earthquake Safety And Emergency Response, 2010) in the amount of \$25,215,000 and General Obligation Bonds (Earthquake Safety And Emergency Response, 2014) in the amount of \$111,060,000; and approval of the related supplemental requests in the amounts of \$30,000,000 and \$111,060,000, which reflect the bond issuance amounts and interest earned.**

#### Recommendation:

Recommend the Board of Supervisors (BOS) approve the sale of G.O. Bonds and related supplemental requests.

#### Comments:

The CPC recommends approval of these items by a vote of 11-0.

Committee members or representatives in favor include: Naomi Kelly, City Administrator; Conor Johnston, Board President's Office; Kate Howard, Mayor's Budget Director; Nadia Sesay, Controller's Office; Mohammed Nuru, Director, Public Works; Ed Reiskin, Director, SFMTA; Kathryn How, SFPUC; Thomas DiSanto, Planning Department; Phil Ginsburg, General Manager, Recreation and Parks Department; Ivar Satero, San Francisco International Airport; and Elaine Forbes, Interim Director, Port of San Francisco.

**2. Board File Number: TBD**

**Approval of the resolutions authorizing and directing the sale of General Obligation Bonds (Road Repaving and Street Safety, 2011) in the amount of \$44,145,000; and approval of the related supplemental request.**

Recommendation:

Recommend the Board of Supervisors (BOS) approve the sale of G.O. Bonds and related supplemental request.

Comments:

The CPC recommends approval of these items by a vote of 11-0.

Committee members or representatives in favor include: Naomi Kelly, City Administrator; Conor Johnston, Board President's Office; Kate Howard, Mayor's Budget Director; Nadia Sesay, Controller's Office; Mohammed Nuru, Director, Public Works; Ed Reiskin, Director, SFMTA; Kathryn How, SFPUC; Thomas DiSanto, Planning Department; Phil Ginsburg, General Manager, Recreation and Parks Department; Ivar Satero, San Francisco International Airport; and Elaine Forbes, Interim Director, Port of San Francisco.

The Department of Public Works will return to CPC at the next regularly scheduled session (3/14/16) for approval of the supplemental appropriation for interest earned on this bond program. It is expected that the BOS will hear the legislation for the bond issuance and interest earned together following that presentation.

**3. Board File Number: TBD**

**Approval of the supplemental ordinance appropriating \$740,000 to the Recreation and Park Department.**

Recommendation:

Recommend the Board of Supervisors (BOS) approve the supplemental ordinance.

Comments:

The CPC recommends approval of these items by a vote of 11-0.

Committee members or representatives in favor include: Naomi Kelly, City Administrator; Conor Johnston, Board President's Office; Kate Howard, Mayor's Budget Director; Ben Rosenfield, Controller; Mohammed Nuru, Director, Public Works; Ed Reiskin, Director, SFMTA; Kathryn How, SFPUC; Thomas DiSanto, Planning Department; Phil Ginsburg, General Manager, Recreation and Parks Department; Ivar Satero, San Francisco International Airport; and Elaine Forbes, Interim Director, Port of San Francisco.

**4. Board File Number: 160120**

**Approval of a Capital Plan amendment to fund the Animal Care and Control Shelter with Certificates of Participation**

CPC Action:

Continue this item to a special Capital Planning Committee meeting on February 29, 2016.

Comments:

The CPC approves the continuation of this item by a vote of 11-0.

Committee members or representatives in favor include: Naomi Kelly, City Administrator; Conor Johnston, Board President's Office; Kate Howard, Mayor's Budget Director; Ben Rosenfield, Controller; Mohammed Nuru, Director, Public Works; Ed Reiskin, Director, SFMTA; Kathryn How, SFPUC; Thomas DiSanto, Planning Department; Phil Ginsburg, General Manager, Recreation and Parks Department; Ivar Satero, San Francisco International Airport; and Elaine Forbes, Interim Director, Port of San Francisco.



LINDA M. PENNER  
*Chair*

KATHLEEN T. HOWARD  
*Executive Director*

STATE OF CALIFORNIA

BOARD OF STATE AND COMMUNITY CORRECTIONS

2590 VENTURE OAKS WAY, SUITE 200 • SACRAMENTO CA 95833 • 916.445.5073 • BSCC.CA.GOV



EDMUND G. BROWN, JR.  
*Governor*

BOS-11, Co B, CP48L  
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JAN 27 2016  
11 51 AM '16

February 23, 2016

Vicki Hennessy, Sheriff  
City and County of San Francisco Sheriff's Department  
1 Carlton B. Goodlett Place, Room 456  
San Francisco, CA 94102

Dear Sheriff Hennessy:

BOARD OF STATE AND COMMUNITY CORRECTIONS BIENNIAL INSPECTION  
CITY AND COUNTY OF SAN FRANCISCO TYPE II ADULT DETENTION FACILITIES (PC 6031)

On August 25, 26 and 27, 2015, Board of State and Community Corrections (BSCC) staff conducted the 2014-2016 biennial inspection of San Francisco's four detention facilities: Jail #1, Jail #2, Jail #4 and Jail #5. These facilities were inspected for compliance with the Minimum Standards for Local Detention Facilities, as outlined in Titles 15 and 24, California Code of Regulations.

The complete BSCC inspection report is enclosed and consists of:

- this transmittal letter;
- the Title 15 Procedures checklist outlining Title 15 requirements for each facility;
- a Physical Plant Evaluation for outlining Title 24 requirements for the design of each facility; and
- a Living Area Space Evaluation summarizing the physical plant configuration of each facility.

We encourage the practice of maintaining a permanent file for historical copies of all inspections that would also include documentation of corrections made following the inspection. This file should be the first point of reference when preparing for all future inspections.

**Local Inspections**

In addition to a biennial inspection by the BSCC, inspections are required annually by the County Health Officer and biennially by the State Fire Marshal pursuant to Health and Safety Code §101045 and §13146.1 respectively. Please consider our report in conjunction with the reports from the Health Department and the Fire Marshal for a comprehensive perspective of your facility.

All local inspections are current and there were no noncompliance issues.

**Title 15 Inspection**

Prior to these inspections, we reviewed the policies and procedures manuals for each facility. Our audit consisted of a review of only those policies and procedures related specifically to the applicable

regulations included in Title 15, Minimum Standards for Local Detention Facilities.<sup>1</sup> During our inspection, we discussed several policies and procedures with staff and suggested edits which might bring more clarity and specificity to the manual. All agreed-upon changes were completed prior to the completion of this report. We also reviewed pertinent documentation to ensure that practices are consistent with policies and Title 15. This review reflected that practice conforms to policy.

There is one Title 15 noncompliance issue: **Title 15, Section 1025, Continuing Professional Training**, requires that with the exception of any year that a core training module is successfully completed, all facility/system administrators, managers, supervisors, and custody personnel of a Type I, II, III, or IV facility shall successfully complete the "annual required training" specified in Title 15, Section 184. In their November 2015 report to the Board of State and Community Corrections, the Standards and Training in Corrections division found the department noncompliant for Section 1025. Since that time, the department has submitted a Corrective Action Plan and is working diligently towards compliance.

Finally, while the San Francisco Sheriff's Department has a rich history of providing inmate programs, one program especially worthy of note is the One Family program. This program begins with an evidence-based cognitive-behavioral parenting class specifically designed for eligible in-custody and out-of-custody parents. Upon satisfactorily completing the course, parents are provided the opportunity to visit their children in a supervised environment. These contact visits occur in a child-friendly visiting room without security glass and phones providing a non-threatening place for incarcerated parents and their children to maintain their family connections.

### **Title 24 Inspection**

Jail #1. This facility operates as the Sheriff's Department's Intake Release Center and is considered a Temporary Holding Facility. There were no Title 24 noncompliance issues.

Jail #2. This facility has a rated capacity of 392 inmates. On the day of the inspection, there were 142 men and 105 women in custody. There were no Title 24 noncompliance issues.

As part of the Title 24 inspection of local detention facilities, we confirm that information reflected in the attached Living Area Space Evaluation forms is accurate. During our walk-through of Jail #2, we noted that the number of hospital (nonrated) beds in Pod D, dormitories 5-9 have changed from previous inspections. At our next inspection, we will take a closer look at the nonrated beds in this facility to assure that we accurately reflect the appropriate number.

Jail #4. This facility has a rated capacity of 402 inmates. On the day of the inspection, there were 286 men in custody.

As in previous inspection cycles, this facility was found noncompliant with Title 24, Section 470A.2.6, Single Occupancy Cells because the cells in E and F blocks are narrower than allowed by the 1963 standards.

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<sup>1</sup> BSCC does not review all of your policies and procedures. We do not "approve" your policies and procedures nor do we review them for constitutional or legal issues. We recommend agencies seek review through their legal advisor, risk manager and other persons deemed appropriate.



Sheriff Vicki Hennessy

Page 3

Jail #5. This facility has a rated capacity of 768 inmates. On the day of the inspection, there were 670 men in custody. There were no Title 24 noncompliance issues.

### **Inspection Summary and Corrective Action**

As indicated above, Jail #4 is noncompliant with Title 24, Section 470A.2.6 and each of the jail facilities (#1, #2, #4 and #5) are noncompliant with Title 15, Section 1025. Please advise us when all facility/system administrators, managers, supervisors, and custody personnel have received the "annual required training" specified in Title 15, Section 184.

Thank you and your staff for their time and assistance in completing this inspection. As you know, you are fortunate to have such dedicated, competent and knowledgeable staff. We especially want to acknowledge Chief Deputy Matthew Freeman, Lieutenant John Ramirez and Sergeant Jennifer Collins. Each of these individuals and their staff assisted at each step by clarifying processes, answering questions and providing supporting documentation.

If you have any questions, please contact me at (916) 324-1914 or by email [charlene.aboytes@bscc.ca.gov](mailto:charlene.aboytes@bscc.ca.gov).

Sincerely,



CHARLENE ABOYTES

Field Representative

Facilities Standards and Operations Division

Enclosures

cc: Chair, City and County of San Francisco Board of Supervisors\*  
City Administrator, City and County of San Francisco\*  
Presiding Judge, Superior Court of California, County of San Francisco\*  
Matthew Freeman, Chief Deputy, City and County of San Francisco Sheriff's Department

*\*Full copies of the inspection report available upon request*

**Commissioners**  
**Eric Sklar**, President  
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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
 Since 1870

### **15 Day Notice of California Notice Register 2016, No.2-Z, Z-2015-1228-03** **Re: Mammal Regulations for the 2016-2017 Seasons**

February 24, 2016

This is to provide you with a 15 day continuation notice of proposed regulatory action relative to amending sections 364, Elk and 364.1 SHARE Elk Hunts, Title 14, California Code of Regulations, relating to the proposed regulations for "Mammal Regulations for the 2016-2017 Seasons" which was published in the California Regulatory Notice Register on January 8, 2016, Register 2016, No. 2-Z; OAL Notice File No. Z-2015-1228-03. The proposed changes to the originally noticed language are shown in double underline/strikeout underline and are sufficiently related to the originally proposed text.

The changes in regulations reflect an action by the Fish and Game Commission to allow the Department of Fish and Wildlife to pull its 2016 Draft Elk Environmental Document from consideration, and rely on the existing Elk Final Environmental Document from 2010. And to amend the proposed text of the regulations to align with the existing projects approved in 2010.

The date of the public hearing related to this matter, and associated deadlines for receipt of oral or written comments at the meeting to be held on April 14, 2016 in Santa Rosa has not changed from the original notice.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/2016/index.aspx#265>.

**Craig Stowers**, Department of Fish and Wildlife, phone 916-445-3553, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

  
 Jon D. Snellstrom  
 Associate Governmental Program Analyst

Attachment

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-Publication of Notice Statement)

Amend Section 364  
Title 14, California Code of Regulations (CCR)  
Re: Elk Hunts

- I. Date of Initial Statement of Reasons: November 6, 2015  
February 11, 2016 (Amended)
- II. Dates and Locations of Scheduled Hearings:
- (a) Notice Hearing: Date: December 10, 2015  
Location: San Diego, CA
- (b) Discussion Hearings: Date: February 11, 2016  
Location: Sacramento, CA
- (c) Adoption Hearing: Date: April 14, 2016  
Location: Santa Rosa, CA
- III. Description of Regulatory Action:
- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:
1. It is necessary for the Fish and Game Commission (Commission) to improve the hunting regulations and make them more user-friendly.
- The current Elk Hunt regulations in Title 14, Section 364, are overly long and the current format makes it difficult to navigate to find pertinent hunting information. The Department of Fish and Wildlife (CDFW) is recommending placing a substantial amount of information from Section 364, which is currently in a narrative format, into a Table that is more easily reviewed by the public. The new table replaces two subparts in regulation: Number of License Tags in each hunt area and Season dates. Area descriptions and conditions will remain in narrative form.
- For example, part of the current regulation in subsection 364(a) reads as follows:
- §364. Elk.**
- (a) Department Administered General Methods Roosevelt Elk Hunts:
- (1) Siskiyou Roosevelt Elk Hunt:
- (A) Area: In that portion of Siskiyou County beginning at the junction of Interstate Highway 5 with the California-Oregon state line; east along the state line to Hill Road at Ainsworth Corner; south along Hill Road to Lava Beds National Monument Road; south along Lava Beds National Monument Road to USDA Forest Service Road 49; south

along USDA Forest Service Road 49 to USDA Forest Service Road 77; west along USDA Forest Service Road 77 to USDA Forest Service Road 15 (Harris Spring Road); south along USDA Forest Service Road 15 to USDA Forest Service Road 13 (Pilgrim Creek Road); southwest along USDA Forest Service Road 13 to Highway 89; northwest along Highway 89 to Interstate Highway 5; north along Interstate Highway 5 to the point of beginning.

(B) Season: The season shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.

(C) Number of License Tags: 20 bull tags and 20 antlerless tags.

Subparts (B) Season, and (C) Number of License Tags, are proposed to be moved to the new Table as shown in the example below:

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(r) Department Administered General Methods Roosevelt Elk Hunts					
(1)(A)	Siskiyou	20	20		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			

The complete Table and text is found in the attached amended Regulatory Text of Section 364.

## 2. Number of Tags.

In order to maintain appropriate harvest levels and hunting quality it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Current regulations in Section 364 specify elk license tag quotas for each hunt in accordance with management goals and objectives.

The proposed amendments will modify Section 364, adding new subsections 364(r) through (aa) in a Table which specifies the number of elk tags in each hunt type and area for the 2016 season. However, since the Department's final recommendations for quotas cannot be determined until winter survey data and harvest results are analyzed, the amendments to Section 364 will begin with a range of tags (expressed as [ 0-40 ], etc.). The final number of tags will be recommended to the Commission at the adoption hearing in April 2016.

The proposed ranges of elk tags for 2016 are presented in the amended Regulatory Text of Section 364.

## 3. Remove, Amend, and Establish New Hunt Areas:

The Department is recommending changes to the Hunt Areas as described in amended subsections 364(a)(1) through (d)(20). Some hunt areas are deleted,

~~split into new hunt areas or boundaries changed as necessary to distribute hunting pressure, address landowner concerns over elk damage, and increase or decrease hunting opportunity. Boundary and Area changes are made while providing a biologically appropriate harvest within each zone in accordance with management goals and objectives.~~

*(Note: The following text which is proposed for deletion (italicized) refers to the current subsection number. Text to be added or amended (normal type) refers to the new renumbered subsection. The referenced subsections appear in the same order as in the attached amended regulatory text.)*

The following Hunt Areas are proposed for amendment:

*364(a)(2) Big Lagoon Roosevelt Elk Hunt: (Deleted from regulation)*

This hunt boundary is no longer being utilized and has been split and incorporated into the Northwestern~~Del Norte and Humboldt~~ Roosevelt Elk Hunts.

*364(a)(3) Northwestern California Roosevelt Elk Hunt: (Deleted from regulation)*

~~This hunt boundary is no longer being utilized and has been split and incorporated into the Del Norte and Humboldt Roosevelt Elk Hunts.~~

*364(a)(4) Klamath Roosevelt Elk Hunt: (Deleted from regulation)*

This hunt boundary is no longer being utilized and has been split and incorporated into the Northwestern ~~Del Norte and Humboldt~~ Roosevelt Elk Hunts.

*364(a)(5) Del Norte Roosevelt Elk Hunt: (Deleted from regulation)*

This hunt boundary is no longer being utilized; this hunt area has been incorporated into the Northwestern Roosevelt Elk Hunts. ~~larger new Del Norte hunt area.~~

*364(a)(2) Del Norte General Methods Roosevelt Elk Hunt: (Added to regulation)*

~~Two new zones will be created by splitting the Northwestern Roosevelt elk zone (Del Norte and Humboldt). The establishment of these zones will allow the Department to manage hunting pressure in relation to elk distribution, increase opportunity, and obtain an appropriate harvest level.~~

*364(a)(3) Humboldt General Methods Roosevelt Elk Hunt: (Added to regulation)*

~~Two new zones will be created by splitting the Northwestern Roosevelt elk zone (Del Norte and Humboldt). The establishment of these zones will allow the Department to manage hunting pressure in relation to elk distribution, increase opportunity, and obtain an appropriate harvest level.~~

~~364(a)(6) Marble Mountains Roosevelt Elk Hunt: (Deleted from regulation)~~

~~This area has been separated into two separate zones within Humboldt, Shasta, Siskiyou, and Trinity counties (Marble Mountain North and Marble Mountain South Roosevelt elk hunts).~~

~~364(a)(4) Marble Mountains North General Methods Roosevelt Elk Hunt: (Added to regulation)~~

~~Two new zones will be created by splitting the Marble Mountain Roosevelt elk zone (North and South). The establishment of these zones will allow the Department to manage hunting pressure in relation to elk distribution, increase opportunity, and obtain an appropriate harvest level.~~

~~364(a)(5) Marble Mountains South General Methods Roosevelt Elk Hunt: (Added to regulation)~~

~~Two new zones will be created by splitting the Marble Mountain Roosevelt elk zone (North and South). The establishment of these zones will allow the Department to manage hunting pressure in relation to elk distribution, increase opportunity, and obtain an appropriate harvest level.~~

~~364(c)(1) Mendocino Elk Hunt: (Deleted from regulation)~~

~~This area has been split and expanded into five separate zones within Mendocino County as follows:~~

~~364(c)(1) Mendocino North Coast General Methods Roosevelt/Tule Elk Hunt: (Added to regulation);~~

~~364(c)(2) Mendocino Middle Fork General Methods Roosevelt/Tule Elk Hunt: (Added to regulation);~~

~~364(c)(3) Mendocino Upper Russian River General Methods Roosevelt/Tule Elk Hunt: (Added to reg);~~

~~364(c)(4) Mendocino Little Lake General Methods Roosevelt/Tule Elk Hunt: (Added to regulation);~~

~~364(c)(5) Mendocino South Coast General Methods Roosevelt/Tule Elk Hunt: (Added to regulation);~~

~~It is proposed to split and expand the existing Mendocino Roosevelt/Tule elk hunt into five elk hunts within Mendocino County. Public opportunities to hunt elk are limited in Mendocino County. Sufficient numbers of elk occur within the proposed hunt boundaries to provide opportunity for the public to hunt elk. The establishment of these zones will allow the Department to distribute hunting pressure to address landowner concerns over elk damage and increase hunter opportunity while providing a biologically appropriate harvest within each zone~~

~~364(d)(2) La Panza General Methods Tule Elk Hunt: (Amend regulatory text)~~

~~Some of the area previously within the La Panza zone north of highway 198 will now be within the Fort Hunter Liggett Central Coast zone described in subsection 364(d)(12). This is intended to better distribute harvest within these zones, increase opportunity, and address landowner concerns. The La Panza season framework will remain as previously identified.~~

~~364(d)(4) Independence General Methods Tule Elk Hunt: (Amend regulatory text)~~

~~It is proposed to split the Independence tule elk hunt area in Inyo County and establish a new tule elk zone (Goodale) in the Owens Valley. Sufficient numbers of elk occur within the proposed hunt boundary to provide opportunity for the public to hunt elk. Creating a new hunt boundary (splitting the zone) allows the Department to more appropriately manage harvest.~~

~~364(d)(5) Goodale General Methods Tule Elk Hunt: (Added to regulatory text)~~

~~In conjunction with zone boundary modifications for the Independence tule elk zone, a new zone (Goodale) is proposed to be created by dividing the zone. This new zone is being established to efficiently distribute hunting pressure and manage harvest.~~

~~364(d)(11) Grizzly Island General Methods Tule Elk Hunt: (Amend regulatory text)~~

~~The area description for Grizzly Island is proposed to be amended. Existing regulations specify boundaries for the Grizzly Island tule elk hunt. During the last several years elk population numbers have increased and their range has expanded beyond existing hunt boundaries. The modifications will expand the boundary to outside of the Grizzly Island Wildlife Area. The proposal to expand boundaries for the Grizzly Island tule elk hunt is necessary to improve hunter opportunity and implement an appropriate harvest level.~~

~~364(d)(11) Fort Hunter Liggett Tule Elk Hunt: (Deleted from regulation)~~

~~Public opportunities to hunt elk in Monterey, San Benito, and San Luis Obispo counties are currently limited to the lands within the boundary of the Fort Hunter Liggett Military base and a portion of the La Panza and San Luis Reservoir tule elk zones. To increase public hunting opportunity (military only remains within the perimeter of the base) the boundary is proposed to be expanded as set forth in 364(n)(12).~~

~~364(d)(12) Fort Hunter Liggett Central Coast General Public General Methods Tule Elk Hunt: (Added to regulatory text)~~

~~Public opportunities to hunt elk in Monterey, San Benito, and San Luis Obispo counties are currently limited to the lands within the confines of the Fort Hunter Liggett Military base and a portion of the La Panza and San Luis Reservoir tule elk zones. Tule elk populations have increased and their range has expanded beyond the existing hunt boundaries. The proposal increases the boundary for the Fort Hunter Liggett Central Coast zone to encompass areas not previously~~

~~part of an established hunt zone except for the inclusion of the northern portion of the La Panza zone north of highway 198 to the boundary of the San Luis Reservoir tule elk zone. This will improve hunter opportunity, address expanding elk populations, and respond to landowner concerns. (Note: the military only hunts will remain within the exterior boundaries of the military base.)~~

~~364(d)(19) San Emigdio Mountain General Methods Tule Elk Hunt: (Added to regulatory text)~~

~~The proposed amendment establishes a new tule elk hunt in portions of Kern, San Luis Obispo, Santa Barbara, and Ventura Counties). Public opportunities to hunt elk have been limited or non-existent. Sufficient numbers of elk occur within the proposed hunt boundary to provide additional opportunity for the public to hunt elk.~~

~~364(d)(20) Camp Roberts General Methods Tule Elk Hunt: (Added to regulatory text)~~

~~The proposed amendment establishes a new tule elk hunt in portions of Monterey and San Luis Obispo Counties. Public opportunities to hunt elk have been limited. Sufficient numbers of elk occur within the proposed hunt boundary to provide additional opportunity for the public to hunt elk.~~

4. Add New Opportunities for Specialized Hunts:

~~The Department makes many different specialized hunts available to the public including Archery, Muzzleloader, and Apprentice hunts. Because of the proposed new hunt areas, some new opportunities will be made available:~~

~~364(e)(1) Siskiyou General Methods Roosevelt Elk Apprentice Hunt~~

~~364(e)(2) Marble Mountains North General Methods Roosevelt Elk Apprentice Hunt~~

~~364(e)(3) Marble Mountains South General Methods Roosevelt Elk Apprentice Hunt~~

~~364(e)(9) Fort Hunter Liggett Central Coast General Methods General Public Tule Elk Apprentice Hunt~~

~~364(f)(3) Goodale Tule Elk Archery Only Hunt~~

~~364(f)(7) Fort Hunter Liggett Central Coast General Public Tule Elk Archery Only Hunt~~

~~364(g)(3) Goodale Tule Elk Muzzleloader Only Hunt~~

~~364(g)(4) Fort Hunter Liggett Central Coast General Public Tule Elk Muzzleloader Only Hunt:~~

~~364(h)(1) Siskiyou Roosevelt Elk Muzzleloader/Archery Only Hunt~~



~~354(i)(2) Marble Mountains North Roosevelt Elk Muzzleloader/Archery Only Hunt~~

~~364(i)(3) Marble Mountains South Roosevelt Elk Muzzleloader/Archery Only Hunt~~

~~364(j)(5) Camp Roberts Military Only Tule Elk Hunt~~

5. Modify Season Dates and Hunt Periods:

The Department makes many different times and seasons of the year available to the public. In order to provide opportunity for hunters, the Department modifies the calendar day for the start of hunts and the number of days of hunting. The new Table in subsections 364(r) through (aa) proposes the recommended days for each hunt.

~~These recommended changes will increase opportunity and address private property conflicts through the establishment of multiple hunt periods while maintaining an appropriate harvest level. Opportunity is also provided by separate hunting periods for bull, antlerless, either sex, and spike elk.~~

In a number of hunt areas the elk population has increased substantially over the last several years. The proposed seasonal framework, additional hunt periods, and the proposed number of tags, are designed to safely distribute the additional hunting pressure while maintaining an appropriate level of harvest.

Due to military use constraints at Fort Hunter Liggett and Camp Roberts, hunt dates are subject to change from year to year and may be changed or cancelled by the base commander

56. Modifications to Hunt Area Special Conditions.

Current regulations require a hunter orientation in certain hunt areas prior to hunting. This requirement is not necessary in most areas since all pertinent information is sent to the successful tag purchaser (hunter) along with their tag. Tag holders are also provided contact numbers for local Department employees to answer any additional questions. Where required, the Special Conditions appear in regulation with the hunt area description.

Special Conditions for hunting on military installations appear in subsection (pu) Fort Hunter Liggett Special Conditions; and, ~~(v) Camp Roberts Special Conditions.~~

67. Minor Editorial Changes.

364(l)(4) Proposed amendments to this subsection clarify the definition of either-sex elk and make it clear that a spike elk is included within the definition of either-sex elk.

364(n) is proposed for deletion as it restates subsection (m).

Other minor editorial changes are proposed for consistency in subsection numbering, spelling, grammar, and clarity.

a) Authority and Reference:

Authority: Fish and Game Code sections 200, 202, 203, 332 and 1050.  
Reference: Fish and Game Code sections 332 and 1050.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

~~2016 Draft~~2010 Final Environmental Document Regarding Elk Hunting

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Fish and Game Commission's Wildlife Resources Committee meeting held on September 9, 2015 in Fresno, California.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Improve the hunting regulations and make them more user-friendly.

No alternatives were identified. The Department makes extensive use of Tables in regulations. Currently, tables are used in Section 362, Big Horn Sheep, 363 Antelope, and 364.1 SHARE Elk. Department publications use tables to provide information to the public in an easier format than written text.

2. Number of Tags

A recommendation was submitted 10/1/2014 by the Colusa County Fish and Game Commission. Request to increase elk hunting in Stonyford to control the growing size of the herd:

Department staff met with the Colusa County Fish and Game Commission last year to discuss potential solutions. ~~The Department has analyzed the potential for increased harvest~~Increases in tag allotments will require analysis completed this zone in the Draft Environmental Document (DED). Tag adjustments will be reviewed after surveys are complete and a DED may be completed at that time. One of the limiting factors for this zone is access to private property for public elk hunters; currently there is very limited public land for elk hunters to access which contain elk. The newly adopted SHARE elk tags (Section 364.1) are a potential solution for allowing access to private lands for elk hunters. Depending on tag allocation for the general draw and analyzed harvest

rates, SHARE elk tags may be available for landowners within the Priest Valley desiring to contract with the Department.

Elk license tag quotas must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and over-winter survival rates. Elk populations have increased and landowner conflicts have also escalated in several areas. Adjusting tag quotas provides for appropriate harvest levels within the zones.

3. ~~Remove, Amend, and Establish New Hunt Areas:~~

~~Public recommendation submitted 3/27/2014 by Howard Strohn. Request for better herd management of tule elk in Priest Valley:~~

~~With this rulemaking, the Department has recommended boundary modification which would include the Priest Valley elk herd within the proposed Fort Hunter Liggett Central Coast zone. This would potentially increase the number of landowner tags available. In addition to the proposed boundary modifications the Department has analyzed the potential for increased harvest for this zone in the Draft Environmental Document (DED). Tag adjustments will be reviewed after surveys are complete. In 2015 the Department implemented the SHARE elk tag (Section 364.1) as an option for landowners. Depending on tag allocation for the general draw and analyzed harvest rates, SHARE elk tags may be available for landowners within the Priest Valley desiring to contract with the Department.~~

~~Not modifying boundaries would not allow the Department to appropriately manage the subgroups through existing harvest regulations. New hunt areas for San Emigdio Mountain and Camp Roberts elk zones are necessary because existing regulations provide no public elk hunting opportunity in these areas. These areas currently maintain adequate numbers of elk to support a limited harvest. Establishing (new) tule elk hunts in these areas is proposed to improve hunter opportunity and provide an appropriate harvest level.~~

4. Add New Opportunities for Specialized Hunts:

No alternatives were identified. Removing outdated regulations makes existing regulations clear and easy to understand by the general public. ~~Not modifying opportunity for special hunts would not allow the Department to appropriately manage the subgroups through existing harvest regulations.~~

54. Modify Season Dates and Hunt Periods:

No alternatives were identified. The Department makes many different times and seasons of the year available to the public. In order to provide opportunity for each group, the Department modifies the calendar day for the start of hunts and the number of days of hunting.

Due to military use constraints at Fort Hunter Liggett and Camp Roberts, hunt dates are subject to change from year to year and may be changed or cancelled by the base commander.

65. Modifications to Hunt Area Special Conditions.

No alternatives were identified. Current regulations require a hunter orientation in certain hunt areas prior to hunting. Where required, the Special Conditions appear in regulation with the hunt area description.

(b) No Change Alternative:

The no-change alternative was considered and rejected because it would not attain project objectives. Elk hunts and opportunity must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and over-winter survival rates. Elk populations have increased and landowner conflicts have also escalated in several areas. Adjusting tag quotas provides for appropriate harvest levels within the hunt zones.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. The number of tags that will be issued from the newly proposed tag range will result in a harvest that is at or below the harvest analyzed in the 2016 Draft 2010 Final Environmental Document Regarding Elk hunting.

VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas, ~~modifies existing hunt zones, to meet~~ management goals and ~~creates new zones to increase~~ provide hunting opportunities for the public. Given the number of tags available, and the area over which they are distributed, this proposal is economically neutral to business.

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the relatively small number of tags issued over the entire state, this proposal is economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

The proposed action will not have significant impacts on jobs or business within California and does not provide benefits to worker safety.

- (c) Cost Impacts on Representative Private Persons/Business.

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

## VII. Economic Impact Assessment

The proposed action will have no statewide economic or fiscal impact because the proposed action would not constitute a significant change from the 2015 elk season. The number of tags to be set in regulation for 2016 is intended to achieve or maintain the levels set forth in the approved management plans and Environmental documents to sustainably manage elk populations and maintain hunting opportunities in subsequent seasons.

- (a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because no significant changes in hunting activity levels are anticipated.

- (b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity levels are anticipated.

- (c) Effects of the regulation on the expansion of businesses currently doing business within the State

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity levels are anticipated.

- (d) Benefits of the regulation to the health and welfare of California residents:

The proposed regulation will benefit the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources and the action contributes to the sustainable management of natural resources.

- (e) Benefits of the regulation to worker safety.

The proposed regulation will not affect worker safety.

- (f) Benefits of the regulation to the State's environment

It is the policy of the State to encourage the conservation, maintenance, and utilization of the State's living resources. The proposed action will further this core objective.

INFORMATIVE DIGEST  
(Policy Statement Overview)

Existing regulations in Section 364, Title 14, CCR, specify elk license tag quotas for each hunt. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas, seasons, hunt areas and other criteria, in response to dynamic environmental and biological conditions. The proposed amendments to Section 364 will establish 2016 tag quotas within each hunt adjusting for annual fluctuations in population number, season dates and tag distribution.

The complete amended text is found in the amended Regulatory Text of Section 364 with the Initial Statement of Reasons.

Proposed Amendments:

1. The current Elk Hunt regulations in Title 14, Section 364, are overly long and the format makes it difficult to navigate to find pertinent hunting information. The Department of Fish and Wildlife (Department) is recommending placing a substantial amount of information from Section 364 in a Table to improve the hunting regulations and make them more user-friendly.
2. In order to achieve appropriate harvest levels and maintain hunting quality it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Section 364 regulations specify elk license tag quotas for each hunt in accordance with management goals and objectives.
3. ~~Remove, Amend, and Establish New Hunt Areas.~~ The Department is recommending changes to the Hunt Areas as described in amended subsections 364(a)(1) through (d)(20).
4. ~~Add New Opportunities for Specialized Hunts.~~ The Department makes many different specialized hunts available to the public including Archery, Muzzleloader, and Apprentice hunts. Because of the new areas added, some new opportunities will be made available.
4. Modify Season Dates and Hunt Periods. The Department makes many different times and seasons of the year available to the public. In order to provide opportunity for hunters, the Department modifies the calendar day for the start of individual hunts and the number of days of hunting. The new Table sets forth the recommended days for each hunt.
5. Modifications to Hunt Area Special Conditions.

Current regulations require a hunter orientation in certain hunt areas prior to hunting. This requirement is not necessary in most areas since all pertinent information is sent to the successful tag purchaser (hunter) along with their tag. Tag holders are also provided contact numbers for local Department employees to answer any additional questions. Where required, the Special Conditions appear in regulation

with the hunt area description. Special Conditions for hunting on military installations appear in new subsections (p) Fort Hunter Liggett Special Conditions; and, (q) Camp Roberts Special Conditions.

6. Minor Editorial Changes are proposed to improve clarity and reduce redundancy.

#### Benefits of the regulations

The proposed regulations will contribute to the sustainable management of elk populations in California. Existing elk herd management goals specify objective levels for the proportion of bulls in the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from annual harvest and herd composition counts where appropriate.

#### Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

#### Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate elk hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to elk tag allocations are consistent with Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

The Department, at the Commission's February 11, 2016 meeting in Sacramento requested the Commission consider its withdrawal of the proposed draft 2016 Elk CEQA document, and instead asked the Commission rely on existing CEQA. Reverting back to the original CEQA proposals requires the renote of proposed regulatory text which included proposals that added additional hunt zones in sections 364 and 364.1 that were identified as projects under the CEQA document being withdrawn, as well as necessary paragraph renumbering.

Final tag quotas and an addendum to the Final Environmental Document regarding Elk Hunting, dated April 21, 2010 will be provided to interested and affected parties at least 15 days prior to its consideration by the Commission at its April 14, 2016 meeting in Santa Rosa.



## REGULATORY TEXT

Section 364 is amended to read as follows:

### §364. Elk Hunts, Seasons, and Number of Tags

(a) Department Administered General Methods Roosevelt Elk Hunt Areas.

(1) Siskiyou General Methods Roosevelt Elk Hunt:

(A) Area: In that portion of Siskiyou County beginning at the junction of Interstate Highway 5 with the California-Oregon state line; east along the state line to Hill Road at Ainsworth Corner; south along Hill Road to Lava Beds National Monument Road; south along Lava Beds National Monument Road to USDA Forest Service Road 49; south along USDA Forest Service Road 49 to USDA Forest Service Road 77; west along USDA Forest Service Road 77 to USDA Forest Service Road 15 (Harris Spring Road); south along USDA Forest Service Road 15 to USDA Forest Service Road 13 (Pilgrim Creek Road); southwest along USDA Forest Service Road 13 to Highway 89; northwest along Highway 89 to Interstate Highway 5; north along Interstate Highway 5 to the point of beginning.

~~(B) Season: The season shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.~~

~~(C) Number of License Tags: 20 bull tags and 20 antlerless tags.~~

(2) Big Lagoon Roosevelt Elk Hunt:

~~(A) Area: In that portion of Humboldt County owned or leased by the California Redwood Company and the Green Diamond Resource Company within a line beginning at the intersection of Highway 101 and Hiltons Road; south on Hiltons Road to the western boundary of Redwood National Park; south and east along the western to its southern tip; north and east along the eastern boundary of Redwood National Park to Redwood Creek; south along Redwood Creek to Highway 299; east along Highway 299 to Forest Service Road 1; south along Forest Service Road 1 to Roddiscraft Road; west along Roddiscraft Road to the intersection of Snow Camp Road and the power line road within the right-of-way of Humboldt Trinity 115 Line and Trinity-Maple Creek 60 Line power line; west along the power line road within the right-of-way of the Humboldt-Trinity 115 Line and Trinity-Maple Creek 60 Line to Maple Creek Road; south along Maple Creek Road to Butler Valley Road; west along Butler Valley Road to Fickle Hill Road; north along Fickle Hill Road to Bayside Road; west along Bayside Road and 7th Street to Highway 101; north along Highway 101 to point of beginning.~~

~~(B) Season: The season shall open the last Wednesday in August and continue for 10 consecutive days.~~

~~(C) Number of License Tags: 0 bull tags and 0 antlerless tags.~~

~~(D) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.~~

(2) Northwestern California Roosevelt Elk Hunt:

(A) Area: In those portions of Humboldt and Del Norte counties within a line beginning at the intersection of Highway 299 and Highway 96, north along Highway 96 to the Del

Norte-Siskiyou county line, north along the Del Norte-Siskiyou county line to the California-Oregon state line, west along the state line to the Pacific Coastline, south along the Pacific coastline to the Humboldt-Mendocino county line, east along the Humboldt-Mendocino county line to the Humboldt-Trinity county line, north along the Humboldt-Trinity county line to Highway 299, west along Highway 299 to the point of beginning, ~~excluding those areas owned or leased by the California Redwood Company and the Green Diamond Resource Company within existing elk hunt boundaries as described in subsections 364(a)(2)(A), (a)(4)(A), and (a)(5)(A).~~

(B) Season: The season shall open on the first Wednesday in September and continue for 23 consecutive days.

(C) Number of License Tags: 0 bull tags, 0 antlerless tags, and 45 either-sex tags.

(4) Klamath Roosevelt Elk Hunt:

(A) Area: ~~Those portions of Humboldt and Del Norte counties owned or leased by the Green Diamond Resource Company within a line beginning at the intersection of Highway 101 and the Klamath River; south on Highway 101 to South Klamath Beach Road; west on South Klamath Beach Road to the Redwood National Park boundary; southwest and south along the Redwood National Park boundary to Highway 101; south on Highway 101 to the Redwood National Park boundary; southeast along the Redwood National Park boundary to the Bald Hills Road; southeast along the Bald Hills Road to the Klamath River; northwest along the Klamath River to the point of beginning.~~

(B) Season: The season shall open on the first Wednesday in September and continue for 10 consecutive days.

(C) Number of License Tags: 0 bull tags and 0 antlerless tags.

(D) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.

(5) ~~(2)~~ Del Norte General Methods Roosevelt Elk Hunt:

(A) Area: ~~Those portions of Del Norte County owned or leased by the Green Diamond Resource Company within a line beginning at the intersection of Highway 101 and the California-Oregon state line; south along Highway 101 to North Bank Road; southeast along North Bank Road to High Divide Road; northeast along High Divide Road to North Fork Smith River/Wimer Road; north along North Fork Smith River/Wimer Road to the California-Oregon state line; west along the California-Oregon state line to the point of beginning.~~ In those portions of Del Norte County within a line beginning at the intersection of the California-Oregon state line and the Del Norte Siskiyou County line; south along the Del Norte County line to the intersection of the Siskiyou-Humboldt county lines; west along the Del Norte County Line to the Pacific coastline; north along the Pacific coastline to the Oregon-California border; east along the border to the intersection with the Del Norte-Siskiyou County line at the point of beginning.

(B) Season: The season shall open on the last Wednesday in August and continue for 10 consecutive days.

(C) Number of License Tags: 0 bull tags and 0 antlerless tags.

(D) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting upon receipt of their elk license tags.

(6) (3) Humboldt-Marble Mountains General Methods Roosevelt Elk Hunt:

(A) Area: In those portions of Humboldt and Trinity counties within a line beginning at the intersection of the Del Norte, Humboldt, and Siskiyou county lines; south along Forest Service Road 12N12 (Cedar Camp Road) to the intersection of Forest Service Road 11N05 (Slate Creek Road); south along Forest Service Road 11N05 (Slate Creek Road) to the intersection of Highway 96; south along Highway 96 to Highway 299; south along Highway 299 to the Intersection of the South Fork of the Trinity River; south along the South Fork of the Trinity River to the intersection of Highway 36; west along Highway 36 to the Humboldt-Trinity county lines; south along the Humboldt-Trinity County line to the intersection of the Humboldt-Mendocino County line; west along the Mendocino County line to the Pacific Coast; north along the Pacific coast to the Humboldt-Del Norte County line; east along the Humboldt County line to the intersection of the Humboldt-Del Norte-Siskiyou County lines at the point of beginning.

(6) (4) Marble Mountains North General Methods Roosevelt Elk Hunt:

(A) Area: In those portions of Humboldt, Tehama, Trinity, Shasta and Siskiyou counties beginning at the intersection of Interstate Highway 5 and the California-Oregon state line; west along the state line to the Del Norte County line; south along the Del Norte County line to the intersection of the Siskiyou-Humboldt county lines; east along the Siskiyou-Humboldt county lines to Highway 96; south along Highway 96 to Highway 299; south along Highway 299 to the Intersection of the Humboldt/Trinity County line; south along the Humboldt Trinity County Line to the intersection of Highway 36; east along Highway 36 to the intersection of Interstate 5; north on Interstate Highway 5 to the point of beginning. In those portions of Humboldt and Siskiyou counties beginning at the intersection of Interstate Highway 5 and the California-Oregon state line; west along the state line to the Del Norte County line; south along the Del Norte County line to the intersection of the Siskiyou-Humboldt county lines; south along Forest Service Road 12N12 (Cedar Camp Road) to the intersection of Forest Service Road 11N05 (Slate Creek Road); south along Forest Service Road 11N05 (Slate Creek Road) to the intersection of Highway 96; north along Highway 96 to the intersection of Salmon River Road; east along Salmon River Road to the intersection of Cecilville Road in the town of Forks of Salmon; east along Cecilville Road to the intersection of Highway 3 in the town of Callahan; south along Highway 3 to the intersection of Gazelle Callahan Road; east along Gazelle Callahan Road to the intersection of Old Highway 99 in the town of Gazelle; south along Old Highway 99 to the intersection of Interstate Highway 5; north on Interstate Highway 5 to the point of beginning.

(B) Season: The season shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.

(C) Number of License Tags: General Season: 35 bull tags and 10 antlerless tags.

(5) Marble Mountains South General Methods Roosevelt Elk Hunt:

(A) Area: In those portions of Humboldt, Tehama, Trinity, Shasta, and Siskiyou counties beginning at the intersection of Interstate Highway 5 and Highway 36; north along Interstate 5 to the intersection of Old Highway 99 near the town of Edgewood; north along Old Highway 99 to the intersection of the Gazelle Callahan road in the town of Gazelle; west along Gazelle Callahan Road to the intersection of Highway 3; west along Highway 3 to the intersection of Cecilville Road in the town of Callahan; west along

Cecilville Road to the intersection of Salmon river Road at Forks of Salmon; North and West along Salmon River Road to the intersection of Highway 96 near Somes Bar; south along Highway 96 to Highway 299; south along Highway 299 to the Intersection of the South Fork of the Trinity River; south along the South Fork of the Trinity River to the intersection of Highway 36; east along Highway 36 to the intersection of Interstate 5; north on Interstate Highway 5 to the point of beginning.

(b) Department Administered General Methods Rocky Mountain Elk Hunts:

(1) Northeastern California General Methods Rocky Mountain Elk Hunt:

(A) Area: Those portions of Siskiyou, Modoc, Lassen, and Shasta counties within a line beginning in Siskiyou County at the junction of the California-Oregon state line and Hill Road at Ainsworth Corner; east along the California-Oregon state line to the California-Nevada state line; south along the California-Nevada state line to the Tuledad-Red Rock-Clarks Valley Road (Lassen County Roads 506, 512 and 510); west along the Tuledad-Red Rock-Clarks Valley Road to Highway 395 at Madeline; west on USDA Forest Service Road 39N08 to the intersection of Highway 139/299 in Adin; south on Highway 139 to the intersection of Highway 36 in Susanville; west on Highway 36 to the intersection of Interstate 5 in Red Bluff; north on Interstate 5 to Highway 89; southeast along Highway 89 to USDA Forest Service Road 13 (Pilgrim Creek Road); northeast along USDA Forest Service Road 13 to USDA Forest Service Road 15 (Harris Spring Road); north along USDA Forest Service Road to USDA Forest Service Road 77; east along USDA Forest Service Road 77 to USDA Forest Service Road 49; north along USDA Forest Service Road 49 to Lava Beds National Monument Road; north along Lava Beds National Monument Road to Hill Road; north along Hill Road to the point of beginning.

~~(B) Season: The season shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days.~~

~~(C) Number of License Tags: 15 bull tags and 10 antlerless tags.~~

(c) Department Administered General Methods Roosevelt/Tule Elk Hunts:

(1) Mendocino ~~North Coast~~ General Methods Roosevelt/Tule Elk Hunt:

(A) Area: Those portions in Mendocino County within a line beginning at the Pacific Coastline and the Mendocino/Humboldt County line south of Shelter Cove; east along the Mendocino/Humboldt County line to the intersection of the Humboldt, Mendocino, and Trinity County lines; south and east along the Mendocino/Trinity County line to the intersection of the Mendocino, Trinity, and Tehama County lines; south along the Mendocino County line to the intersection of Highway 20; north and west along Highway 20 to the intersection of Highway 101 near Calpella; south along Highway 101 to the intersection of Highway 253; southwest along Highway 253 to the intersection of Highway 128; north along Highway 128 to the intersection of Mountain View Road near the town of Boonville; west along Mountain View Road to the intersection of Highway 1; south along Highway 1 to the intersection of the Garcia River; west along the Garcia River to the Pacific Coastline; north along the Pacific Coastline to the point of beginning. proceed east along the Mendocino- Humboldt-Trinity County line to its intersection with the Eel River Main stem; proceed south along the Eel River Main stem to confluence of Outlet Creek and the State Highway 162 crossing; west on State Highway 162 to the intersection with State Highway 101, south on State Highway 101 to its intersection with

State Highway 20 (Willits); west on State Highway 20 to the intersection with State Highway 1; north on State Highway 1 to the intersection of the Noyo River; west along the Noyo River to the Pacific Coast and north along with Pacific Coast to the Mendocino-Humboldt County line point of beginning.

(B) Season: The season shall open on the Wednesday preceding the fourth Saturday in September and continue for 12 consecutive days.

(C) Number of License Tags: 2 bull tags and 2 antlerless tags.

(2) Mendocino Middle Fork General Methods Roosevelt/Tule Elk Hunt:

(A) Area: Those portions in Mendocino County within a line beginning at the Eel River Main stem intersection with the Mendocino-Trinity County line; east along the Mendocino-Trinity County line to the intersection with the Mendocino-Tehama County line; south along the Mendocino County line (Glenn-Lake County) to its junction with the Eel River Main stem; north along the Eel River Main stem to its intersection with Mendocino-Trinity County line point of beginning.

(3) Mendocino Upper Russian River General Methods Roosevelt/Tule Elk Hunt:

(A) Area: Those portions in Mendocino County within a line beginning at East Road intersection with State Highway 20 (Redwood Valley) proceed north on East Road to Tomki Road and continue to Hearst Road/Willits-Hearst Road east to the Eel River Main stem; follow the Eel River Main stem east to the Mendocino-Lake County line; than south along the Mendocino-Lake County line to its junction with State Highway 20; west on State Highway 20 to the East Road intersection (Redwood Valley) point of beginning.

(4) Mendocino Little lake General Methods Roosevelt/Tule Elk Hunt:

(A) Area: Those portions in Mendocino County within a line beginning at State Highway 101\State Highway 20 intersection Redwood Valley – proceed north on State Highway 101 to the intersection with State Highway 162; proceed east on State Highway 162 to its intersection with the Eel River Main stem; following the Eel River Main stem south to its intersection with the Hearst Road/Willits-Hearst Road bridge; west along the Willits-Hearst Road to its intersection with Tomki Road; south on Tomki Road to its intersection with East Road (Redwood Valley); East Road south to its intersection with State Highway 20; west to intersection with State Highway 101 at the point of beginning.

(5) Mendocino South Coast General Methods Roosevelt/Tule Elk Hunt:

(A) Area: Those portions in Mendocino County within a line beginning at the intersection of the Noyo River and the Pacific Ocean (Noyo Bay). Continue east on the Noyo River to the intersection with State Highway 1. South on State Highway 1 to the intersection of State Highway 20 (Noyo-Fort Bragg); proceed east on State Highway 20 to its intersection with State Highway 101 (Willits); south on State Highway 101 to its intersection with State Highway 20 (Redwood Valley) proceed east to the Mendocino-Lake County line; south along the Mendocino-Lake County line to the Mendocino-Sonoma County line; west along the Mendocino-Sonoma County line to the Pacific Ocean; north along the Pacific Ocean to the intersection with the Noyo River at the point of beginning.

(d) Department Administered General Methods Tule Elk Hunts

(1) Cache Creek General Methods Tule Elk Hunt:

(A) Area: Those portions of Lake, Colusa and Yolo counties within the following line: beginning at the junction of Highway 20 and Highway 16; south on Highway 16 to Reiff-Rayhouse Road; west on Reiff-Rayhouse Road to Morgan Valley Road; west on

Morgan Valley Road to Highway 53; north on Highway 53 to Highway 20; east on Highway 20 to the fork of Cache Creek; north on the north fork of Cache Creek to Indian Valley Reservoir; east on the south shore of Indian Valley Reservoir to Walker Ridge-Indian Valley Reservoir Access Road; east on Walker Ridge-Indian Valley Reservoir Access Road to Walker Ridge Road; south on Walker Ridge Road to Highway 20; east on Highway 20 to the point of beginning.

(B) Season:

1. ~~The Bull season shall open on the second Saturday in October and continue for 16 consecutive days.~~

2. ~~The Antlerless season shall open on the third Saturday in October and continue for 16 consecutive days.~~

(C) ~~Number of License Tags: 3 bull tags and 3 antlerless tags.~~

(D) ~~(B) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.~~

(2) La Panza General Methods Tule Elk Hunt:

(A) Area: In those portions of San Luis Obispo, Kern, Monterey, Kings, Fresno, San Benito, and Santa Barbara counties within a line beginning in San Benito County at the junction of Highway 25 and County Highway J1 near the town Pacines, south along Highway 25 to La Gloria road, west along La Gloria road, La Gloria road becomes Gloria road, west along Gloria road to Highway 101 near Gonzales, south along Highway 101 to Highway 166 in San Luis Obispo County; east along Highway 166 to Highway 33 at Maricopa in Kern County; north and west along Highway 33 to Highway 198 at Coalinga in Fresno County, north along Highway 33 to Interstate 5 in Fresno County, north along Interstate 5 to Little Panoche road/County Highway J1, southwest along Little Panoche road/County Highway J1 to the intersection of Little Panoche road/County Highway J1 and Panoche road/County Highway J1 in San Benito County, northwest along Panoche road/County Highway J1 to the point of beginning.

In those portions of San Luis Obispo, Kern, Monterey, Kings, Fresno, and Santa Barbara counties within a line beginning in Monterey County at the junction of Highway 198 and Highway 101; south along Highway 101 to the northern boundary of Camp Roberts California Army National Guard Base near the town of Bradley; northeast and then south along the northern and eastern boundaries of Camp Roberts to Highway 101 in San Luis Obispo County; south along Highway 101 to Highway 46; south and west along Highway 46 to Highway 1; south along Highway 1 to Nikki Beach Drive south of the town of Harmony; southwest along Nikki Beach Drive to the southern boundary of Section 19, Township 28S, Range 9E; west along the southern boundary of Section 19, Township 28S, Range 9E to the Pacific Coastline; south and east along the Pacific Coastline to the mouth of the Santa Maria River in Santa Barbara County; east along the Santa Maria River to Highway 101 near Santa Maria; north on Highway 101 to Highway 166; east along Highway 166 to Highway 33 at Maricopa in Kern County; north along Highway 33 to Highway 198 at Coalinga in Fresno County; west along Highway 198 to Parkfield Grade Road/Parkfield Coalinga Road near Parkfield Junction; south along Parkfield Grade Road/Parkfield Coalinga Road to the intersection with the Fresno-Monterey County Line; north along the Fresno-Monterey County Line to the

~~intersection of Smith Mountain Lookout road; south and west along Smith Mountain Lookout road to the intersection with Slack Canyon Road; north and west along Slack Canyon road to Peach Tree Road; north along Peach Tree Road to the Junction of Highway 198; west along Highway 198 to the point of beginning.~~

~~(B) Season:~~

~~1. Period One: The season shall open on the second Saturday in October and extend for 23 consecutive days.~~

~~2. For Period Two: the season shall open on the second Saturday in November and extend for 23 consecutive days.~~

~~(C) Number of License Tags:~~

~~1. Period One: 6 bull tags and 5 antlerless tags.~~

~~2. Period Two: 6 bull tags and 6 antlerless tags.~~

~~(D) (B) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting upon receipt of their elk license tags.~~

~~(3) Bishop General Methods Tule Elk Hunt:~~

~~(A) Area: In that portion of Inyo County beginning at the junction of Highway 395 and Highway 6 in the town of Bishop; north and east along Highway 6 to the junction of Silver Canyon Road; east along Silver Canyon Road to the White Mountain Road (Forest Service Road 4S01); south along the White Mountain Road to Highway 168 at Westgard Pass; south and west along Highway 168 to the junction of Highway 395; north on Highway 395 to the point of beginning.~~

~~(B) Season:~~

~~1. Period Three: The season shall open on the third Saturday in October and extend for 9 consecutive days.~~

~~2. Period Four: The season shall open on the first Saturday in November and extend for 9 consecutive days.~~

~~3. Period Five: The season shall open on the first Saturday in December and continue for 9 consecutive days.~~

~~(C) Number of License Tags:~~

~~1. Period Three: 2 bull tags and 0 antlerless tags.~~

~~2. Period Four: 0 bull tags and 0 antlerless tags.~~

~~3. Period Five: 0 bull tags and 0 antlerless tags.~~

~~(4) Independence General Methods Tule Elk Hunt:~~

~~(A) Area: In that portion of Inyo County beginning at the junction of Highway 395 and Aberdeen Station Road; east on Aberdeen Station Road to its terminus at the southern boundary of Section 5, Township 11S, Range 35E; east along the southern boundary of sections 5, 4, 3, and 2, Township 11S, Range 35E to the Papoose Flat Road at Papoose Flat; south and east on Papoose Flat Road to Mazourka Canyon Road; south and then west on Mazourka Canyon Road to Highway 395; west along Onion Valley Road to the intersection of the Section 25 Township 13S, Range 33E; south along the eastern boundary of Section 25 Township 13S, Range 33E to the southern boundary of Section 25 Township 13S, Range 33E; west along the southern boundary of sections 27, 26, 25 Township 13S, Range 33E to the Inyo County line; North along the Inyo~~

County Line to Taboose Creek; east along Taboose Creek to the intersection of Highway 395; south north along Highway 395 to the point of beginning.

(B) Season:

1. Period Two: The season shall open on the first Saturday in October and extend for 9 consecutive days.
2. Period Three: The season shall open on the third Saturday in October and extend for 9 consecutive days.
3. Period Four: The season shall open on the first Saturday in November and extend for 9 consecutive days.
4. Period Five: The season shall open on the first Saturday in December and continue for 9 consecutive days.

(C) Number of License Tags:

1. Period Two: 2 bull tags and 0 antlerless tags.
2. Period Three: 0 bull tags and 0 antlerless tags.
3. Period Four: 0 bull tags and 0 antlerless tags.
4. Period Five: 0 bull tags and 0 antlerless tags

(5) Goodale General Methods Tule Elk Hunt:

(A) Area: In that portion of Inyo County beginning at the junction of Highway 395 and Taboose Creek in Section 14, Township 11S, Range 34E; south along Highway 395 to Onion Valley Road; west along Onion Valley Road to the intersection of the Section 25 Township 13S, Range 33E; south along the eastern boundary of Section 25 Township 13S, Range 33E to the southern boundary of Section 25 Township 13S, Range 33E; west along the southern boundary of sections 27, 26, 25 Township 13S, Range 33E to the Inyo County line; North along the Inyo County Line to Taboose Creek; east along Taboose Creek to the point of beginning.

(5) (6)(5) Lone Pine General Methods Tule Elk Hunt:

(A) Area: In that portion of Inyo County beginning at the junction of Highway 395 and Mazourka Canyon Road; east and then north on Mazourka Canyon Road to the Inyo National Forest Boundary at the junction of the southern boundary of Township 12S and the northern boundary of Township 13S; east along the southern boundary of Township 12S to Saline Valley Road; south on Saline Valley Road to Highway 190; north and then southwest on Highway 190 to the junction of Highway 395 at Olancha; north on Highway 395 to the point of beginning.

(B) Season:

1. Period Two: The season shall open on the first Saturday in October and extend for 9 consecutive days.
2. Period Three: The season shall open on the third Saturday in October and extend for 9 consecutive days.
3. Period Four: The season shall open on the first Saturday in November and extend for 9 consecutive days.
4. Period Five: The season shall open on the first Saturday in December and continue for 9 consecutive days.

(C) Number of License Tags:

1. Period Two: 0 bull tags and 0 antlerless tags.
2. Period Three: 2 bull tags and 0 antlerless tags.



~~3. Period Four: 2 bull tags and 0 antlerless tags.~~

~~4. Period Five: 0 bull tags and 0 antlerless tags.~~

~~(6)-(7) Tinemaha General Methods Tule Elk Hunt:~~

~~(A) Area: In that portion of Inyo County beginning at the junction of Highway 395 and Highway 168 in the town of Big Pine; north and east along Highway 168 to the junction of the Death Valley Road; south and east along the Death Valley Road to the junction of the Papoose Flat Road; south along the Papoose Flat Road to the southern boundary of Section 2, Township 11S, Range 35E; west along the southern boundaries of sections 2, 3, 4 and 5 to the terminus of the Aberdeen Station Road in Section 5, Township 11S, Range 35E; south and west along the Aberdeen Station Road to Highway 395; north along Highway 395 to the point of beginning.~~

~~(B) Season:~~

~~1. Period Two: The season shall open on the first Saturday in October and extend for 9 consecutive days.~~

~~2. Period Three: The season shall open on the third Saturday in October and extend for 9 consecutive days.~~

~~3. Period Four: The season shall open on the first Saturday in November and extend for 9 consecutive days.~~

~~4. Period Five: The season shall open on the first Saturday in December and continue for 9 consecutive days.~~

~~(C) Number of License Tags:~~

~~1. Period Two: 1 bull tag and 0 antlerless tags.~~

~~2. Period Three: 0 bull tags and 0 antlerless tags.~~

~~3. Period Four: 0 bull tags and 0 antlerless tags.~~

~~4. Period Five: 0 bull tags and 0 antlerless tags.~~

~~(7)-(8) West Tinemaha General Methods Tule Elk Hunt:~~

~~(A) Area: In that portion of Inyo County beginning at the junction of Highway 395 and Highway 168 in the town of Big Pine; south along Highway 395 to the north junction of Fish Springs Road; south along Fish Springs Road to the junction of Highway 395; south along Highway 395 to Taboose Creek in Section 14, Township 11S, Range 34E; west along Taboose Creek to the Inyo County line; north and west along the Inyo County line to the intersection of Tinemaha Creek; east along Tinemaha Creek to the intersection of McMurray Meadow Road; north on McMurray Meadow Road to the intersection of Glacier Lodge Road; north and east on Glacier Lodge Road to Crocker Avenue; east along Crocker Avenue to Highway 395; north along Highway 395 to the point of beginning.~~

~~(B) Season:~~

~~1. Period One: The season shall open on the second Saturday in September and extend for 16 consecutive days.~~

~~2. Period Two: The season shall open on the first Saturday in October and extend for 9 consecutive days.~~

~~3. Period Three: The season shall open on the third Saturday in October and extend for 9 consecutive days.~~

~~4. Period Four: The season shall open on the first Saturday in November and extend for 9 consecutive days.~~

5. Period Five: The season shall open on the first Saturday in December and continue for 9 consecutive days.

(C) Number of License Tags:

1. Period One: 0 bull tags and 0 antlerless tags.
2. Period Two: 0 bull tags and 0 antlerless tags.
3. Period Three: 0 bull tags and 0 antlerless tags.
4. Period Four: 0 bull tags and 0 antlerless tags.
5. Period Five: 0 bull tags and 0 antlerless tags.

(8) ~~(9)~~ Tinemaha Mountain General Methods Tule Elk Hunt:

(A) Area: In that portion of Inyo County with a line beginning at the intersection of Glacier Lodge Road (9S21) and McMurray Meadow Road (9S03); south on McMurray Meadow Road to Tinemaha Creek; west along Tinemaha Creek to the Inyo County line; north and west along the Inyo County line to the southeast corner of Section 23, Township 10S, Range 32E; north along the eastern boundaries of sections 23, 14, 11, 2, Township 10S, Range 32E, and the eastern boundary of Section 36, Township 9S, Range 32E to Glacier Lodge Road; east along Glacier Lodge Road to the beginning.

(B) Season:

1. Period One: The season shall open on the second Saturday in September and extend for 16 consecutive days.
2. Period Two: The season shall open on the first Saturday in October and extend for 9 consecutive days.
3. Period Three: The season shall open on the third Saturday in October and extend for 9 consecutive days.
4. Period Four: The season shall open on the first Saturday in November and extend for 9 consecutive days.
5. Period Five: The season shall open on the first Saturday in December and continue for 9 consecutive days.

(C) Number of License Tags:

1. Period One: 0 bull tags.
2. Period Two: 0 bull tags.
3. Period Three: 1 bull tag.
4. Period Four: 1 bull tag.
5. Period Five: 0 bull tags.

(9) ~~(10)~~ Whitney General Methods Tule Elk Hunt:

(A) Area: In that portion of Inyo County with a line beginning at the intersection of Highway 395 and Onion Valley Road; south on Highway 395 to the intersection of Whitney Portal Road; west along Whitney Portal Road to the northern boundary of Section 36, Township 15S, Range 34E; west along the northern boundary of sections 36, 35, 34 and 33 Township 15S, Range 34 E to the Inyo County Line; north along the Inyo County Line to the intersection of Section 27 Township 13S, range 33E; east along the southern boundary of sections 27, 26 and 25 Township 13S, Range 33E; north along the eastern boundary of Section 25 Township 13S, Range 33E to the intersection of Onion Valley Road; east along Onion Valley Road to the point of beginning.

(B) Season:

1. Period Two: The season shall open on the first Saturday in October and extend for 9 consecutive days.
2. Period Three: The season shall open on the third Saturday in October and extend for 9 consecutive days.
3. Period Four: The season shall open on the first Saturday in November and extend for 9 consecutive days.
4. Period Five: The season shall open on the first Saturday in December and continue for 9 consecutive days.

(C) Number of License Tags:

1. Period Two: 1 bull tag and 0 antlerless tags.
2. Period Three: 1 bull tag and 0 antlerless tags.
3. Period Four: 0 bull tags and 0 antlerless tags.
4. Period Five: 0 bull tags and 0 antlerless tags.

(10) (11) Grizzly Island General Methods Tule Elk Hunt:

(A) Area: Those lands owned and managed by the Department of Fish and Game as the Grizzly Island Wildlife Area. In that portion of Solano County within a line beginning at the junction of Highway 12 and Highway 80; southwest along Highway 80 to Highway 680; south along Highway 680 to the Solano County line at the Benecia Bridge; east and north along the Solano County line to Highway 12 near the town of Rio Vista; north and west along Highway 12 to the point of beginning.

(B) Season:

1. Period One: The season for antlerless elk shall open on the Tuesday after the second Saturday in August and continue for 4 consecutive days, whereas the season for bulls and spike bulls shall open on the Thursday after the second Saturday in August and continue for 4 consecutive days.
2. Period Two: The season for antlerless elk shall open on the Tuesday after the third Saturday in August and continue for 4 consecutive days, whereas the season for bulls and spike bulls shall open on the Thursday after the third Saturday in August and continue for 4 consecutive days.
3. Period Three: The season for antlerless elk shall open on the Tuesday after the fourth Saturday in August and continue for 4 consecutive days, whereas the season for bulls and spike bulls shall open on the Thursday after the first Monday in September and continue for 4 consecutive days.
4. Period Four: The season for antlerless elk shall open on the second Tuesday in September and continue for 4 consecutive days, whereas the season for bulls and spike bulls shall open on Thursday following the second Tuesday in September and continue for 4 consecutive days.
5. Period Five: The season for antlerless elk shall open on the third Tuesday in September and continue for 4 consecutive days, whereas the season for bulls and spike bulls shall open on the Thursday following the third Tuesday in September and continue for 4 consecutive days.

(C) Number of License Tags:

1. Period One: 0 bull tags, 4 spike bull tags, and 5 antlerless tags.
2. Period Two: 0 bull tags, 3 spike bull tags, and 8 antlerless tags.
3. Period Three: 0 bull tags, 2 spike bull tags, and 8 antlerless tags.

4. Period Four: 2 bull tags, 0 spike bull tags, and 8 antlerless tags.

5. Period Five: 2 bull tags, 2 spike bull tags, and 8 antlerless tags

(D)-(B) Special Conditions: All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.

(11)-(12) Fort Hunter Liggett Central Coast General Public General Methods Tule Elk Hunt:

(A) Area: That portion of Monterey County lying within the exterior boundaries of Fort Hunter Liggett, except as restricted by the Commanding Officer. In those portions of San Luis Obispo, Monterey, Kings, Fresno, San Benito, Santa Cruz and Santa Clara counties within a line beginning in Monterey County at the junction of Highway 198 and Highway 101; south along Highway 101 to the northern boundary of Camp Roberts California Army National Guard Base near the town of Bradley; northeast and then south along the northern and eastern boundaries of Camp Roberts to Highway 101 in San Luis Obispo County; south along Highway 101 to Highway 46; south and west along Highway 46 to Highway 1; south and east along Highway 1 to Nikki Beach Drive south of the town of Harmony; west and south along Harmony Ranch Road to the southern boundary of Section 19, Township 28S, Range 9E; west along the southern boundary of Section 19, Township 28S, Range 9E to the Pacific Coastline; north along the Pacific Coastline to the Monterey-Santa Cruz county line north of Zmudowski State Beach; northeast along the Monterey-Santa Cruz county line to Highway 1; northwest on Highway 1 to Highway 152 in Santa Cruz County; east and north along Highway 152 to Highway 156 in Santa Clara; southwest along Highway 156 to Highway 25 near the town of Hollister in San Benito County; south along Highway 25 to Panoche Road/County Highway J1 near the town Paicines; south and east along Panoche Road/County Highway J1 to Little Panoche Road/County Highway J1; north and east along Little Panoche Road/County Highway J1 to Interstate 5 in Fresno County; south along Interstate 5 to Highway 33; southwest along Highway 33 to the Highway 198 in Coalinga; west along Highway 198 to Parkfield Grade Road/Parkfield Coalinga Road near Parkfield Junction; south along Parkfield Grade Road/Parkfield Coalinga Road to the intersection with the Fresno-Monterey County Line; north along the Fresno-Monterey County Line to the intersection of Smith Mountain Lookout road; south and west along Smith Mountain Lookout road to the intersection with Slack Canyon Road; north and west along Slack Canyon road to Peach Tree Road; north along Peach Tree Road to the Junction of Highway 198; west along Highway 198 to the point of beginning, including portions lying within the exterior boundaries of Fort Hunter Liggett, except as restricted by the Commanding Officer.

(A) Area: That portion of Monterey County lying within the exterior boundaries of Fort Hunter Liggett, except as restricted by the Commanding Officer.

(B) Season: Fort Hunter Liggett Special Conditions: See subsection 364(p).

1. Period One: The season shall open on the first Tuesday in November and continue for 9 consecutive days.

2. Period Two: The season shall open on the Tuesday preceding the fourth Thursday in November and continue for 9 consecutive days.

3. Period Three: The season shall open on the Saturday preceding December 25 and continue for 14 consecutive days.

~~(C) Due to military operations, season dates are subject to further restriction, or may be rescheduled between August 1 and January 31 by the Commanding Officer.~~

~~(D) Number of License Tags:~~

~~1. Period One: 4 antlerless tags.~~

~~2. Period Two: 4 antlerless tags.~~

~~3. Period Three: 4 bull tags.~~

~~(E) Special Conditions:~~

~~1. All tagholders will be required to attend a mandatory hunter orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.~~

~~2. Tagholders shall be required to purchase an annual hunting pass available from Fort Hunter Liggett.~~

~~3. All successful tagholders will be required to have their tags validated on Fort Hunter Liggett prior to leaving. All unsuccessful tag holders will be required to turn in their unfilled tags to Fort Hunter Liggett immediately upon completion of their hunt.~~

~~4. Season dates and hunt areas are subject to restriction by the Commanding Officer of Fort Hunter Liggett based on military training.~~

~~(12)~~ (13) East Park Reservoir General Methods Tule Elk Hunt:

(A) Area: In those portions of Glenn and Colusa counties within a line beginning in Glenn County at the junction of Interstate Highway 5 and Highway 162 at Willows; west along Highway 162 (Highway 162 becomes Alder Springs Road) to the Glenn-Mendocino County line; south along the Glenn-Mendocino County line to the Glenn-Lake County line; east and then south along the Glenn-Lake County line to the Colusa-Lake County line; west, and then southeast along the Colusa-Lake County line to Goat Mountain Road; north and east along Goat Mountain Road to the Lodoga-Stonyford Road; east along the Lodoga-Stonyford Road to the Sites-Lodoga Road at Lodoga; east along the Sites-Lodoga Road to the Maxwell-Sites Road at Sites; east along the Maxwell-Sites Road to Interstate Highway 5 at Maxwell; north along Interstate Highway 5 to the point of beginning.

~~(B) Season: The season shall open the first Saturday in September and continue for 27 consecutive days.~~

~~(C) Number of License Tags: 2 bull tags and 2 antlerless tags.~~

~~(D)~~ (B) Special Conditions:

1. All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.

2. Access to private land may be restricted or require payment of an access fee.

3. A Colusa County ordinance prohibits firearms on land administered by the USDI Bureau of Reclamation in the vicinity of East Park Reservoir. A variance has been requested to allow use of muzzleloaders (as defined in Section 353) on Bureau of Reclamation land within the hunt zone.

~~(13)~~ (14) San Luis Reservoir General Methods Tule Elk Hunt:

(A) Area: In those portions of Merced, Fresno, San Benito, and Santa Clara counties within a line beginning in Merced County at the junction of Highway 152 and Interstate 5 near the town of Santa Nella, west along Highway 152 to Highway 156 in Santa Clara

County, southwest along Highway 156 to Highway 25 near the town of Hollister in San Benito County, south along Highway 25 to the town of Paicine, south and east along J1 to Little Panoche Road, North and east along Little Panoche Road to Interstate 5 in Fresno County, north along Interstate 5 to the point of beginning.

~~(B) Season: The season shall open on the first Saturday in October and continue for 23 consecutive days.~~

~~(C) Number of License Tags: 0 bull tags, 0 antlerless tags, and 5 either-sex tags.~~

~~(14)~~ (15) Bear Valley General Methods Tule Elk Hunt:

(A) Area: in those portions of Colusa, Lake, and Yolo counties within a line beginning in Colusa County at the junction of Interstate Highway 5 and Maxwell Sites Road at Maxwell; west along Maxwell Sites Road to the Sites Lodoga Road; west along the Sites Lodoga Road to Lodoga Stonyford Road; west along Lodoga Stonyford Road to Goat Mountain Road; west and south along Goat Mountain Road to the Colusa-Lake County line; south and west along the Colusa-Lake County line to Forest Route M5; south along Forest Route M5 to Bartlett Springs Road; east along Bartlett Springs Road to Highway 20; east on Highway 20 to the fork of Cache Creek; north on the north fork of Cache Creek to Indian Valley Reservoir to Walker Ridge-Indian Valley Reservoir Access Road; east on Walker Ridge-Indian Valley Reservoir Access Road to Walker Ridge Road; south on Walker Ridge Road to Highway 20; east on Highway 20 to Highway 16; south on Highway 16 to Rayhouse Road; south and west on Rayhouse Road to the Yolo-Napa County line; east and south along the Yolo-Napa County line to Road 8053; east on Road 8053 to County Road 78A; east on County Road 78A to Highway 16; east on Highway 16 to Route E4 at Capay; north and east on Route E4 to Interstate Highway 5; north on Interstate Highway 5 to the point of beginning.

~~(B) Season: The season shall open on the second Saturday in October and continue for 9 consecutive days.~~

~~(C) Number of License Tags: 3 bull tags and 2 antlerless tags.~~

~~(15)~~ (16) Lake Pillsbury General Methods Tule Elk Hunt:

(A) Area: in those portions of Lake County within a line beginning at the junction of the Glenn-Lake County line and the Mendocino County line; south and west along the Mendocino-Lake County line to Highway 20; southeast on Highway 20 to the intersection of Bartlett Springs Road; north and east along Bartlett Springs Road to the intersection of Forest Route M5; northwest on Forest Route M5 to the Colusa-Lake County Line; northwest and east on the Colusa-Lake County Line to the junction of the Glenn-Colusa County Line and the Lake-Glenn County Line; north and west on the Lake-Glenn County Line to the point of beginning.

~~(B) Season:~~

~~1. Antlerless Season. The antlerless season shall open on the Wednesday preceding the second Saturday in September and continue for 10 consecutive days.~~

~~2. Bull Season. The bull season shall open Monday following the fourth Saturday in September and continue for 10 consecutive days.~~

~~(C) Number of License Tags: 2 bull tags and 4 antlerless tags.~~

~~(16)~~ (17) Santa Clara General Methods Tule Elk Hunt:

(A) Area: Those portions of Merced, Santa Clara, and Stanislaus Counties within the following line: beginning at the intersection of the Interstate 5 and the San

Joaquin/Stanslaus County line; southeast along Interstate 5 to the intersection of Highway 152; west along Highway 152 to the intersection of Highway 101 near the town of Gilroy; north along Highway 101 to the intersection of Interstate 680 near San Jose; north along Interstate 680 to the intersection of the Alameda/Santa Clara County line; east along the Alameda/Santa Clara County line to the intersection of the San Joaquin, Stanislaus, Alameda, Santa Clara County lines; northeast along the San Joaquin/Stanslaus County line to the point of beginning.

~~(B) Season: The season shall open on the second Saturday in October and continue for 16 consecutive days.~~

~~(C) Number of License Tags: 0 bull tags.~~

~~(17) (18) Alameda General Methods Tule Elk Hunt:~~

~~(A) Area: Those portions of Alameda and San Joaquin Counties within the following line: beginning at the intersection of the Interstate 5 and the San Joaquin/Stanslaus County line; southwest along the San Joaquin/Stanslaus County line to the intersection of the San Joaquin, Stanislaus, Alameda, Santa Clara County lines; west along the Alameda/Santa Clara County Line to the intersection of Interstate 680; north along Interstate 680 to the intersection of Interstate 580; east and south along Interstate 580 to the intersection of Interstate 5; south along Interstate 5 to the point of beginning.~~

~~(B) Season: The season shall open on the second Saturday in October and continue for 16 consecutive days.~~

~~(C) Number of License Tags: 0 bull tags.~~

~~(19) San Emigdio Mountain General Methods Tule Elk Hunt:~~

~~(A) Area: Those portions of Kern, San Luis Obispo, Santa Barbara and Ventura counties within the following line: beginning at the junction of Highway 166 (Maricopa Highway) and Interstate Highway 5 in Kern County; west along Highway 166 to where it joins Highway 33 (West Side Highway) near Maricopa; south and west along highways 166 and 33 to their point of divergence in San Luis Obispo County; south along Highway 33 to Lockwood Valley Road in Ventura County; east and north along Lockwood Valley Road to Lake of the Woods where Lockwood Valley Road becomes Frazier Mountain Park Road; west along Frazier Mountain Park Road to Interstate Highway 5; and north along Interstate Highway 5 to the point of beginning.~~

~~(20) Camp Roberts General Public General Methods Tule Elk Hunt~~

~~(A) Area: That portion of Monterey and San Luis Obispo counties lying within the exterior boundaries of Camp Roberts, except as restricted by the Commanding Officer.~~

~~(B) Camp Roberts Special Conditions: See Subsection 364(q).~~

~~(e) Department Administered General Methods Apprentice Elk Hunts~~

~~(1) Siskiyou General Methods Roosevelt Elk Apprentice Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).~~

~~(1) (2)(1) Marble Mountains North General Methods Roosevelt Elk Apprentice Elk Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(a)(6)(A) 364(a)(43)(A).~~

~~(B) Season: The season shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.~~

~~(C) Number of License Tags: 2 either-sex tags.~~

~~(D)~~(B) Special Conditions: Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.

~~(3)~~ Marble Mountains South General Methods Roosevelt Elk Apprentice Hunt:

~~(A)~~ Area: The tag shall be valid in the area described in subsection 364(a)(5)(A).

~~(B)~~ Special Conditions: Only persons possessing valid junior Hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.

~~(2)~~(4) Northeastern California General Methods Rocky Mountain Elk Apprentice-Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(b)(1)(A).

(B) Season: The season shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days.

(C) Number of License Tags: Apprentice Season: 2 either-sex tags.

~~(D)~~(B) Special Conditions: Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt License tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.

~~(3)~~(5) Cache Creek General Methods Tule Elk Apprentice Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)(1)(A).

~~(B)~~ Season: The season shall open on the second Saturday in October and continue for 16 consecutive days.

~~(C)~~ Number of License Tags: Apprentice Season: 1 bull tag.

~~(D)~~(B) Special Conditions:

1. All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting upon receipt of their elk license tags.

2. Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.

~~(4)~~(6) La Panza General Methods Tule Elk Apprentice Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)(2)(A).

~~(B)~~ Season: Period One shall open on the second Saturday in October and extend for 23 consecutive days.

~~(C)~~ Number of License Tags: Period One: 1 antlerless tag and 0 bull tags.

~~(D)~~(B) Special Conditions:

1. All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.

2. Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunter tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.

~~(5)~~(7) Bishop General Methods Tule Elk Apprentice Hunt:



(A) Area: The tag shall be valid in the area described in subsection 364(d)(3)(A).

~~(B) Season: Period Two shall open on the first Saturday in October and extend for 9 consecutive days.~~

~~(C) Number of License Tags: Period Two: 0 bull tags and 0 antlerless tags.~~

~~(D) (B) Special Conditions: Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.~~

~~(6) (8) Grizzly Island General Methods Tule Elk Apprentice Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(d)(10)(A) 364(d)(11)(A).~~

~~(B) Season:~~

~~1. Period One Season for antlerless elk shall open on the Tuesday after the second Saturday in August and continue for 4 consecutive days, whereas the season for spike bulls shall open on the Thursday after the second Saturday in August and continue for 4 consecutive days.~~

~~2. Period Two Season for spike bulls shall open on the Thursday after the third Saturday in August and continue for 4 consecutive days.~~

~~(C) Number of License Tags:~~

~~1. Period One: 3 antlerless tags and 1 spike bull tag.~~

~~2. Period Two: 2 spike bull tags.~~

~~(D) (B) Special Conditions:~~

~~1. All tagholders will be required to attend a mandatory orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.~~

~~2. Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.~~

~~(7) (9) Fort Hunter Liggett Central Coast General Methods General Public Tule Elk Apprentice Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A) 364(d)(12)(A).~~

~~(B) Season: The season shall open on the Saturday preceding December 25 and continue for 14 consecutive days.~~

~~(C) Due to military operations, season dates are subject to further restriction, or may be rescheduled between August 1 and January 31 by the Commanding Officer.~~

~~(D) Number of License Tags: 1 bull tag and 1 antlerless tags.~~

~~(E) (B) Special Conditions: See subsection 364(p).~~

~~1. All tagholders will be required to attend a mandatory hunter orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.~~

~~2. Tagholders shall be required to purchase an annual hunting pass available from Fort Hunter Liggett.~~

3.~~(C)~~ Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.

4. All successful tagholders will be required to have their tags validated on Fort Hunter Liggett prior to leaving. All unsuccessful tag holders will be required to turn in their unfilled tags to Fort Hunter Liggett immediately upon completion of their hunt.

5. Season dates and hunt areas are subject to restriction by the Commanding Officer of Fort Hunter Liggett based on military training.

(f) Department Administered Archery Only Elk Hunts:

(1) Northeastern California Rocky Mountain Archery Only Rocky Mountain Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(b)(1)(A).

~~(B) Season: The season shall open on the Wednesday preceding the first Saturday in September and continue for 12 consecutive days~~

~~(C) Number of License Tags: 10 either-sex tags.~~

~~(E) (B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.~~

(2) Owens Valley Multiple Zone Tule Elk Archery Only Tule Elk Hunt:

(A) Area: The tag shall be valid in areas described in subsections 364(d)(3)(A), (d)(4)(A), and (d)(5)(A), ~~(d)(8)(A), and (d)(9)(A).~~

~~(B) Season: The season shall open on the second Saturday in August and extend for 9 consecutive days.~~

~~(C) Number of License Tags: 5 bull tags and 0 antlerless tags.~~

~~(D) (B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.~~

~~(3) Goodale Archery Only Tule Elk Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).~~

~~(B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.~~

~~(3) (4) (3) Lone Pine Tule Elk Archery Only Tule Elk Hunt:~~

(A) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A) 364(d)(6)(A).

~~(B) Season: Period One Season shall open on the second Saturday in September and extend for 16 consecutive days.~~

~~(C) Number of License Tags: Period One: 0 bull tags and 0 antlerless tags.~~

~~(D) (B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.~~

~~(4) (5) Tinemaha Tule Elk Archery Only Tule Elk Hunt:~~

(A) Area: The tag shall be valid in the area described in subsection 364(d)(6)(A) 364(d)(7)(A).

~~(B) Season: Period One Season shall open on the second Saturday in September and extend for 16 consecutive days.~~

~~(C) Number of License Tags: Period One: 1 bull tag and 0 antlerless tags.~~

~~(D) (B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.~~

~~(5) (6) Whitney Tule Elk Archery Only Tule Elk Hunt:~~

(A) Area: The tag shall be valid in the area described in subsection 364(d)(9)(A) ~~364(d)(10)(A)~~.

~~(B) Season: Period One Season shall open on the second Saturday in September and extend for 16 consecutive days.~~

~~(C) Bag and Possession Limit: 1 elk per season.~~

~~(D) Number of License Tags: Period One: 0 bull tags and 0 antlerless tags.~~

~~(E) (B) Special Conditions: Elk may be taken with Archery Equipment only as specified in Section 354.~~

(6) ~~(7)~~ Fort Hunter Liggett Central Coast General Public Tule Elk Archery Only Tule Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A) ~~364(d)(12)(A)~~.

~~(B) Season: Special Conditions: See subsection 364(p).~~

~~1. Either-sex season shall open on the last Wednesday in July and continue for 9 consecutive days.~~

~~2. Antlerless Season shall open on the last Wednesday in September and continue for 9 consecutive days.~~

~~(C) Due to military operations, season dates are subject to further restriction, or may be rescheduled between August 1 and January 31 by the Commanding Officer.~~

~~(D) Number of License Tags: 2 either-sex tags and 4 antlerless tags.~~

~~(E) Special Conditions:~~

~~1. All tagholders will be required to attend a mandatory hunter orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.~~

~~2. Tagholders shall be required to purchase an annual hunting pass available from Fort Hunter Liggett.~~

~~3. (C) Elk may be taken with Archery Equipment only as specified in Section 354.~~

~~4. All successful tagholders will be required to have their tags validated on Fort Hunter Liggett prior to leaving. All unsuccessful tag holders will be required to turn in their unfilled tags to Fort Hunter Liggett immediately upon completion of their hunt.~~

~~5. Season dates and hunt areas are subject to restriction by the Commanding Officer of Fort Hunter Liggett based on military training.~~

(g) Department Administered Muzzleloader Only Elk Hunts:

(1) Bishop Tule Elk Hunt Muzzleloader Only Tule Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)(3)(A).

~~(B) Season: Period One Season shall open on the second Saturday in September and extend for 16 consecutive days.~~

~~(C) Number of License Tags: Period One: 1 bull tag and 0 antlerless tags.~~

~~(D) (B) Special Conditions: Elk may be taken with muzzleloader equipment only as specified in Section 353.~~

(2) Independence Tule Elk Muzzleloader Only Tule Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)(4)(A).

~~(B) Season: Period One Season shall open on the second Saturday in September and for extend 16 consecutive days.~~

~~(C) Number of License Tags: Period One: 1 bull tag and 0 antlerless tags.~~

~~(D) (B) Special Conditions: Elk may be taken with muzzleloader equipment only as extend specified in Section 353.~~

~~(3) Goodale Muzzleloader Only Tule Elk Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).~~

~~(B) Special Conditions: Elk may be taken with muzzleloader equipment only as specified in Section 353.~~

~~(3) (4) Fort Hunter Liggett Central Coast General Public Tule Elk Muzzleloader Only Tule Elk Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A) 364(d)(12)(A).~~

~~(B) Season: The season shall open on the Wednesday preceding the fourth Thursday in November and continue for 9 consecutive days. Special Conditions: See subsection 364(p).~~

~~(C) Due to military operations, season dates are subject to further restriction, or may be rescheduled between August 1 and January 31 by the Commanding Officer.~~

~~(D) Number of License Tags: 0 bull tags.~~

~~(E) Special Conditions:~~

~~1. All tagholders will be required to attend a mandatory hunter orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.~~

~~2. Tagholders shall be required to purchase an annual hunting pass available from Fort Hunter Liggett.~~

~~3. (C) Elk may be taken with Muzzleloader Equipment only as specified in Section 353.~~

~~4. All successful tagholders will be required to have their tags validated on Fort Hunter Liggett prior to leaving. All unsuccessful tag holders will be required to turn in their unfilled tags to Fort Hunter Liggett immediately upon completion of their hunt.~~

~~5. Season dates and hunt areas are subject to restriction by the Commanding Officer of Fort Hunter Liggett based on military training.~~

~~(h) Department Administered Muzzleloader/Archery Only Elk Hunts:~~

~~(1) Siskiyou Marble Mountains Roosevelt Elk Muzzleloader/Archery Only Roosevelt Elk Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).~~

~~(B) Special Conditions: Elk may be taken with archery or muzzleloader equipment only as specified in Sections 353 and 354.~~

~~(1) (2) Marble Mountains North Roosevelt Elk Muzzleloader/Archery Only Roosevelt Elk Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(a)(6)(A) 364(a)(43)(A).~~

~~(B) Season: The Season shall open on the last Saturday in October and extend for 9 consecutive days.~~

~~(C) Number of License Tags: 5 either-sex tags.~~

~~(D) (B) Special Conditions: Elk may be taken with archery or muzzleloader equipment only as specified in Sections 353 and 354.~~

~~(3) Marble Mountains South Muzzleloader/Archery Only Roosevelt Elk Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(a)(5)(A).~~

~~(B) Special Conditions: Elk may be taken with archery or muzzleloader equipment only as specified in Sections 353 and 354.~~

~~(i) Fund Raising Elk Tags Hunts.~~

~~(1) Multi-zone Fund Raising License Tag Elk Hunt.~~

~~(A) Area: The tag shall be valid in the areas described in subsections 364(a)(1)(A), (a)(2)(A), (a)(3)(A), (a)(4)(A), (a)(5)(A), (a)(6)(A), (b)(1)(A), and (d)(2)(A).~~

~~(B) Season: The tag shall be valid during the following seasons.~~

~~1. Siskiyou and Marble Mountains Roosevelt Elk Season shall open on the Wednesday preceding the first Saturday in September and continue for 19 consecutive days.~~

~~2. Northwestern Roosevelt Elk Season shall open on last Wednesday in August and continue for 30 consecutive days.~~

~~3. Northeastern Rocky Mountain Elk Season shall open on the Wednesday preceding the last Saturday in August and continue for 33 consecutive days.~~

~~4. La Panza Tule Elk Season shall open on the first Saturday in October and extend for 65 consecutive days.~~

~~(C) Number of License Tags: 1 bull tag.~~

~~(2) Grizzly Island Fund Raising License Tag Tule Elk Hunt.~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(d)(10)(A) 364(d)(11)(A).~~

~~(B) Season: The Season shall open on the first Saturday in August and continue for 30 consecutive days, with advance Special Conditions: Advance reservations required by contacting the Grizzly Island Wildlife Area by telephone at (707) 425-3828.~~

~~(C) Number of License Tags: 1 bull tag.~~

~~(3) Owens Valley Fund Raising License Tag Tule Elk Hunt.~~

~~(A) Area: The tag shall be valid in areas described in subsections 364(d)(3)(A), (d)(4)(A), (d)(5)(A), (d)(6)(A), (d)(7)(A), (d)(8)(A), and (d)(9)(A), and (d)(10)(A).~~

~~(B) Season: The Season shall open on the last Saturday in July and extend for 30 consecutive days.~~

~~(C) Number of License Tags: 1 bull tag.~~

~~(j) Military Only Elk Tags Hunts. These hunts are sponsored and tag quotas are set by the Department. The tags are assigned and the hunts are administered by the Department of Defense:~~

~~(1) Fort Hunter Liggett Military Only General Methods Tule Elk Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A). That portion of Monterey County lying within the exterior boundaries of Fort Hunter Liggett, except as restricted by the Commanding Officer.~~

~~(B) Season: Special Conditions: See subsection 364(p).~~

~~1. The Early Season shall open on the third Monday in August and continue for 5 consecutive days and reopen on the fourth Monday in August and continue for 5 consecutive days.~~

~~2. Period One: The season shall open on the first Tuesday in November and continue for 9 consecutive days.~~

~~3. Period Two: The season shall open on the Tuesday preceding the fourth Thursday in November and continue for 9 consecutive days.~~

~~4. Period Three: The season shall open on the Saturday preceding December 25 and continue for 14 consecutive days.~~

~~(C) Due to military operations, season dates are subject to further restriction, or may be rescheduled between August 1 and January 31 by the Commanding Officer.~~

~~(D) Number of License Tags:~~

~~1. Early Season: 2 bull tags and 1 antlerless tag.~~

~~2. Period One: 4 antlerless tags.~~

~~3. Period Two: 4 antlerless tags.~~

~~4. Period Three: 4 bull tags.~~

~~(E) Special Conditions:~~

~~1. All tagholders will be required to attend a mandatory hunter orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.~~

~~2. Tagholders shall be required to purchase an annual hunting pass available from Fort Hunter Liggett.~~

~~3. All successful tagholders will be required to have their tags validated on Fort Hunter Liggett prior to leaving. All unsuccessful tag holders will be required to turn in their unfilled tags to Fort Hunter Liggett immediately upon completion of their hunt.~~

~~4. Season dates and hunt areas are subject to restriction by the Commanding Officer of Fort Hunter Liggett based on military training.~~

~~(2) Fort Hunter Liggett Military Only General Methods Tule Elk Apprentice Tule Elk Hunt:~~

~~(A) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A). That portion of Monterey County lying within the exterior boundaries of Fort Hunter Liggett, except as restricted by the Commanding Officer.~~

~~(B) Season: The season shall open on the Saturday preceding December 25 and continue for 14 consecutive days Special Conditions: See subsection 364(p).~~

~~(C) Due to military operations, season dates are subject to further restriction, or may be rescheduled between August 1 and January 31 by the Commanding Officer.~~

~~(D) Number of License Tags: 1 bull tag and 1 antlerless tags.~~

~~(E) Special Conditions:~~

~~1. All tagholders will be required to attend a mandatory hunter orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.~~

~~2. Tagholders shall be required to purchase an annual hunting pass available from Fort Hunter Liggett.~~

~~3. Season dates and hunt areas are subject to restriction by the Commanding Officer of Fort Hunter Liggett based on military training.~~

~~4. All successful tagholders will be required to have their tags validated on Fort Hunter Liggett prior to leaving. All unsuccessful tag holders will be required to turn in their unfilled tags to Fort Hunter Liggett immediately upon completion of their hunt.~~

~~5. (C) Only persons possessing valid junior hunting licenses may apply for Apprentice Hunt license tags. Apprentice Hunt tagholders shall be accompanied by a nonhunting, licensed adult chaperon 18 years of age or older while hunting.~~

~~(3) Fort Hunter Liggett Military Only Archery Only Tule Elk Hunt:~~

(A) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A). That portion of Monterey County lying within the exterior boundaries of Fort Hunter Liggett, except as restricted by the Commanding Officer.

(B) Season: Special Conditions: See subsection 364(p).

1. ~~Either sex season shall open on the last Wednesday in July and continue for 9 consecutive days.~~

2. ~~Antlerless Season shall open on the last Wednesday in September and continue for 9 consecutive days.~~

(C) ~~Due to military operations, season dates are subject to further restriction, or may be rescheduled between August 1 and January 31 by the Commanding Officer.~~

(D) ~~Number of License Tags: 2 either sex tags and 4 antlerless tags.~~

(E) ~~Special Conditions:~~

1. ~~(C) Elk may be taken with Archery Equipment only as specified in Section 354.~~

2. ~~All tagholders will be required to attend a mandatory hunter orientation. Tagholders will be notified of the time and location of the orientation meeting upon receipt of their elk license tags.~~

3. ~~Tagholders shall be required to purchase an annual hunting pass available from Fort Hunter Liggett.~~

4. ~~All successful tagholders will be required to have their tags validated on Fort Hunter Liggett prior to leaving. All unsuccessful tag holders will be required to turn in their unfilled tags to Fort Hunter Liggett immediately upon completion of their hunt.~~

5. ~~Season dates and hunt areas are subject to restriction by the Commanding Officer of Fort Hunter Liggett based on military training.~~

(4) Fort Hunter Liggett Military Only Muzzleloader Only Tule Elk Hunt:

(A) Area: The tag shall be valid in the area described in subsection 364(d)(11)(A). That portion of Monterey County lying within the exterior boundaries of Fort Hunter Liggett, except as restricted by the Commanding Officer.

(B) Season: ~~The season shall open on the Wednesday preceding the fourth Thursday in November and continue for 9 consecutive days~~ Special Conditions: See subsection 364(p).

(C) ~~Due to military operations, season dates are subject to further restriction, or may be rescheduled between August 1 and January 31 by the Commanding Officer.~~

(D) ~~Number of License Tags: 0 bull tags.~~

(E) ~~Special Conditions:~~

1. ~~Elk may be taken with Muzzleloader Equipment only as specified in Section 353.~~

2. ~~All tagholders will be required to attend a mandatory hunter orientation. Tagholders will be notified of the time and location of the orientation meeting upon receipt of their elk license tags.~~

3. ~~Tagholders shall be required to purchase an annual hunting pass available from Fort Hunter Liggett.~~

4. ~~All successful tagholders~~ ~~The tag shall be valid in the area described in subsection 364(d)(11)(A) will be required to have their tags validated on Fort Hunter Liggett prior to leaving. All unsuccessful tag holders will be required to turn in their unfilled tags to Fort Hunter Liggett immediately upon completion of their hunt.~~

~~5. Season dates and hunt areas are subject to restriction by the Commanding Officer of Fort Hunter Liggett based on military training.~~

~~(5) Camp Roberts Military Only General Methods Tule Elk Hunt.~~

~~(A) Area: That portion of Monterey and San Luis Obispo counties lying within the exterior boundaries of Camp Roberts, except as restricted by the Commanding Officer.~~

~~(B) Special Conditions: See subsection 364(q).~~

~~(k) Bag and Possession Limit: Each elk tag is valid only for one elk per season and only in the hunt area drawn. Hunt areas are described in subsections 364(a), (b), (c), (d), (e), (f), (g), (h), and (j) and persons shall only be eligible for one elk tag per season.~~

~~(l) Definitions:~~

~~(1) Bull elk: Any elk having an antler or antlers at least four inches in length as measured from the top of the skull.~~

~~(2) Spike bull: A bull elk having no more than one point on each antler. An antler point is a projection of the antler at least one inch long and longer than the width of its base.~~

~~(3) Antlerless elk: Any elk, with the exception of spotted calves, with antlers less than four inches in length as measured from the top of the skull.~~

~~(4) Either-sex elk: For the purposes of these regulations, either-sex is defined as bull elk, as described in subsection 364(f)(1), spike elk, or antlerless elk as, described in subsection 364(f)(3).~~

~~(m) Method of Take: Only methods for taking elk as defined in Sections 353 and 354 may be used.~~

~~(n) General Method of take are those methods defined in Sections 353 and 354.~~

~~(o)-(n) Tagholder Responsibilities:~~

~~(1) No tagholder shall take or possess any elk or parts thereof governed by the regulations except herein provided.~~

~~(2) The department reserves the right to use any part of the tagholder's elk for biological analysis as long as the amount of edible meat is not appreciably decreased.~~

~~(3) Any person taking an elk which has a collar or other marking device attached to it shall provide the department with such marking device within 10 days of taking the elk.~~

~~(p)-(o) The use of dogs to take or attempt to take elk is prohibited.~~

~~(p) Fort Hunter Liggett Special Conditions:~~

~~(1) All tagholders hunting within the exterior boundaries of Fort Hunter Liggett will be required to attend a mandatory hunter orientation. Tagholders will be notified of the time and location of the orientation meeting upon receipt of their elk license tags.~~

~~(2) Tagholders hunting within the exterior boundaries of Fort Hunter Liggett shall be required to purchase an annual hunting pass available from Fort Hunter Liggett.~~

~~(3) All successful tagholders hunting within the exterior boundaries of Fort Hunter will be required to have their tags validated on Fort Hunter Liggett prior to leaving.~~

~~(4) Due to military operations and training, the specified season dates within the exterior boundaries of Fort Hunter Liggett are subject to further restriction, cancellation, or may be rescheduled, between August 1 and January 31, by the Commanding Officer.~~

~~(q) Camp Roberts Special Conditions:~~

~~(1) All tagholders will be required to attend a mandatory hunter orientation. Tagholders will be notified of the time and location of the orientation meeting after receipt of their elk license tags.~~



(2) Tagholders shall be required to purchase an annual hunting pass available from Camp Roberts.

(3) All successful tagholders will be required to have their tags validated on Camp Roberts prior to leaving.

(4) Due to military operations and training, the specified season dates within the exterior boundaries of Camp Roberts are subject to further restriction, cancellation, or may be rescheduled, between August 1 and January 31, by the Commanding Officer.

*[Proposed 2016 Elk Tag Allocations are shown in ranges]*

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(r) Department Administered General Methods Roosevelt Elk Hunts					
(1)(A)	Siskiyou Period 1	[ 0-40 ]	[ 0-40 ]		
		Shall open on the second Saturday in September and continue for 12 consecutive days.			
(B)	Period 2	[ 0-10 ]	[ 0-40 ]		
		Shall open on the last Saturday in September and continue for 12 consecutive days.			
(C)	Period 3	[ 0-5 ]	[ 0-20 ]		
		Shall open on the first Wednesday in November and continue for 16 consecutive days.			
(1)(A)	Siskiyou	[ 0-30 ]	[ 0-30 ]		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Northwestern	[ 0-15 ]	[ 0-10 ]	[ 0-10 ]	
		Shall open on the first Wednesday in September and continue for 23 consecutive days.			
(3)(A)	Marble Mountains	[ 0-70 ]	[ 0-30 ]		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(3)(A)	<u>Humboldt</u> <u>Period 1</u>	[ 0-20 ]	[ 0-50 ]	[ 0-10 ]	
		Shall open on September 1 and continue for 20 consecutive days.			
(B)	<u>Period 2</u>	[ 0-20 ]	[ 0-50 ]	[ 0-10 ]	
		Shall open on October 1 and continue for 20 consecutive days.			
(C)	<u>Period 3</u>	[ 0-20 ]	[ 0-50 ]	[ 0-10 ]	
		Shall open on November 1 and continue for 20 consecutive days.			
(D)	<u>Period 4</u>	[ 0-20 ]	[ 0-50 ]	[ 0-10 ]	
		Shall open on December 1 and continue for 20 consecutive days.			
(E)	<u>Period 5</u>	[ 0-20 ]	[ 0-50 ]	[ 0-10 ]	
		Shall open on January 1 and continue for 20 consecutive days.			
(4)(A)	<u>Marble Mountain</u> <u>North</u> <u>Period 1</u>	[ 0-50 ]	[ 0-20 ]		
		Shall open on the second Saturday in September and continue for 12 consecutive days.			
(B)	<u>Period 2</u>	[ 0-10 ]	[ 0-40 ]		
		Shall open on the last Saturday in September and continue for 12 consecutive days.			
(C)	<u>Period 3</u>	[ 0-5 ]	[ 0-15 ]		
		Shall open on the first Wednesday in November and continue for 16 consecutive days.			
(5)(A)	<u>Marble Mountain</u> <u>South</u> <u>Period 1</u>	[ 0-50 ]	[ 0-20 ]		
		Shall open on the second Saturday in September and continue for 12 consecutive days.			
(B)	<u>Period 2</u>	[ 0-10 ]	[ 0-40 ]		

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
		Shall open on the last Saturday in September and continue for 12 consecutive days.			
(C)	Period 3	[0-5]	[0-15]		
		Shall open on the first Wednesday in November and continue for 16 consecutive days.			
(s) Department Administered General Methods Rocky Mountain Elk Hunts					
(1)(A)	Northeastern California	[0-30]	[0-10]		
		The season shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			
(t) Department Administered General Methods Roosevelt/Tule Elk Hunts					
(1)(A)	Mendocino North Coast Bull	[0-10]			
		The bull season shall open on the Wednesday preceding the third Saturday in August and continue for 10 consecutive days.			
(B)	Antlerless		[0-40]		
		The antlerless season shall open the first Saturday in November and continue for 10 consecutive days.			
(2)(A)	Mendocino Middle Fork Bull	[0-10]			
		The bull season shall open on the Wednesday preceding the third Saturday in August and continue for 10 consecutive days.			
(A)	Antlerless		[0-40]		
		The antlerless season shall open the first Saturday in November and continue for 10 consecutive days.			
(3)(A)	Mendocino Upper Russian River Bull	[0-10]			
		The bull season shall open on the Wednesday preceding the third Saturday in August and continue for 10 consecutive days			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(B)	Antlerless		[ 0-40 ]		
		The antlerless season shall open the first Saturday in November and continue for 10 consecutive days.			
(4)(A)	Mendocino Little Lake Bull	[ 0-5 ]			
		The bull season shall open on the Wednesday preceding the third Saturday in August and continue for 10 consecutive days			
(A)	Antlerless		[ 0-10 ]		
		The antlerless season shall open the first Saturday in November and continue for 10 consecutive days.			
(5)(A)	Mendocino South Coast Bull	[ 0-5 ]			
		The bull season shall open on the Wednesday preceding the third Saturday in August and continue for 10 consecutive days			
(B)	Antlerless		[ 0-10 ]		
		The antlerless season shall open the first Saturday in November and continue for 10 consecutive days.			
(t) Department Administered General Methods Roosevelt/Tule Elk Hunts					
(1)(A)	Mendocino	[ 0-4 ]	[ 0-4 ]		
		The season shall open on the Wednesday preceding the fourth Saturday in September and continue for 12 consecutive days.			
(u) Department Administered General Methods Tule Elk Hunts					
(1)(A)	Cache Creek Bull	[ 0-104 ]			
		The Bull season shall open on the second Saturday in October and continue for 16 consecutive days.			
(B)	Antlerless		[ 0-104 ]		
		The Antlerless season shall open on the third Saturday in October and continue for 16 consecutive days.			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(2)(A)	<u>La Panza</u> <u>Period 1</u>	[ 0-2012 ]	[ 0-3010 ]		
		Shall open on the second Saturday in October and extend for 23 consecutive days			
(B)	<u>Period 2</u>	[ 0-2012 ]	[ 0-3012 ]		
		Shall open on the second Saturday in November and extend for 23 consecutive days.			
(3)(A)	<u>Bishop</u> <u>Period 3</u>	[ 0-10 ]	[ 0-30 ]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(B)	<u>Period 4</u>	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(C)	<u>Period 5</u>	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(4)(A)	<u>Independence</u> <u>Period 2</u>	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	<u>Period 3</u>	[ 0-10 ]	[ 0-30 ]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	<u>Period 4</u>	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	<u>Period 5</u>	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(5)(A)	<u>Goodale</u> <u>Period 1</u>	[ 0-10 ]	[ 0-10 ]		

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	[ 0-10 ]	[ 0-10 ]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	[ 0-10 ]	[ 0-10 ]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(D)	Period 4	[ 0-10 ]	[ 0-10 ]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	[ 0-10 ]	[ 0-10 ]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(6)(A) (5)(A)	Lone Pine Period 2	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	Period 3	[ 0-10 ]	[ 0-30 ]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(7)(A) (6)(A)	Tinemaha Period 2	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(B)	Period 3	[ 0-10 ]	[ 0-30 ]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(C)	Period 4	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	Period 5	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(8)(A) (7)(A)	West Tinemaha Period 1	[ 0-10 ]	[ 0-30 ]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	Period 3	[ 0-10 ]	[ 0-30 ]		
		Shall open on the third Saturday in October and extend for 9 consecutive days.			
(D)	Period 4	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	Period 5	[ 0-10 ]	[ 0-30 ]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(9)(A) (8)(A)	Tinemaha Mountain Period 1	[ 0-8 ]			
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(B)	Period 2	[ 0-8 ]			

§	<u>Hunt</u>	<u>1. Bull Tags</u>	<u>2. Antlerless Tags</u>	<u>3. Either-Sex Tags</u>	<u>4. Spike Tags</u>
		<u>5. Season</u>			
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(C)	<u>Period 3</u>	[ 0-8 ]			
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(D)	<u>Period 4</u>	[ 0-8 ]			
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(E)	<u>Period 5</u>	[ 0-8 ]			
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(10)(A) (9)(A)	<u>Whitney Period 2</u>	[ 0-4 ]	[ 0-10 ]		
		Shall open on the first Saturday in October and extend for 9 consecutive days.			
(B)	<u>Period 3</u>	[ 0-4 ]	[ 0-10 ]		
		Shall open on the third Saturday in October and extend for 9 consecutive days			
(C)	<u>Period 4</u>	[ 0-4 ]	[ 0-10 ]		
		Shall open on the first Saturday in November and extend for 9 consecutive days.			
(D)	<u>Period 5</u>	[ 0-4 ]	[ 0-10 ]		
		Shall open on the first Saturday in December and continue for 9 consecutive days.			
(11)(A) (10)(A)	<u>Grizzly Island Period 1</u>	[ 0-3 ]	[ 0-12 ]		[0-106]
		Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days.			
(B)	<u>Period 2</u>	[ 0-3 ]	[ 0-12 ]		[0-106]
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			



§	Hunt	<u>1. Bull Tags</u>	<u>2. Antlerless Tags</u>	<u>3. Either-Sex Tags</u>	<u>4. Spike Tags</u>
		<u>5. Season</u>			
(C)	<u>Period 3</u>	[ 0-3 ]	[ 0-12 ]		[0-406]
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days			
(D)	<u>Period 4</u>	[ 0-3 ]	[ 0-12 ]		[0-406]
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(E)	<u>Period 5</u>	[ 0-3 ]	[ 0-12 ]		[0-406]
		Shall open on the first Tuesday following the opening of period four and continue for 4 consecutive days			
(F)	<u>Period 6</u>	[ 0-3 ]	[ 0-12 ]		[0-406]
		Shall open on the first Thursday following the opening of period five and continue for 4 consecutive days.			
(G)	<u>Period 7</u>	[ 0-3 ]	[ 0-12 ]		[0-406]
		Shall open on the first Tuesday following the opening of period six and continue for 4 consecutive days			
(H)	<u>Period 8</u>	[ 0-3 ]	[ 0-12 ]		[0-406]
		Shall open on the first Thursday following the opening of period seven and continue for 4 consecutive days.			
(I)	<u>Period 9</u>	[ 0-3 ]	[ 0-12 ]		[0-406]
		Shall open on the first Tuesday following the opening of period eight and continue for 4 consecutive days.			
(J)	<u>Period 10</u>	[ 0-3 ]	[ 0-12 ]		[0-406]
		Shall open on the first Thursday following the opening of period nine and continue for 4 consecutive days.			
(K)	<u>Period 11</u>	[ 0-3 ]	[ 0-12 ]		[0-406]
		Shall open on the first Tuesday following the opening of period ten and continue for 4 consecutive days.			
(L)	<u>Period 12</u>	[ 0-3 ]	[ 0-12 ]		[0-406]

§	<u>Hunt</u>	<u>1. Bull Tags</u>	<u>2. Antlerless Tags</u>	<u>3. Either-Sex Tags</u>	<u>4. Spike Tags</u>
		<u>5. Season</u>			
		Shall open on the first Thursday following the opening of period eleven and continue for 4 consecutive days.			
(M)	<u>Period 13</u>	[ 0-3 ]	[ 0-12 ]		[ 0-106 ]
		Shall open on the first Tuesday following the opening of period twelve and continue for 4 consecutive days.			
(12)(A) (11)(A)	<u>Fort Hunter Liggett General Public Period 1</u>	[ 0-14 ]	[ 0-16 ]		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(B)	<u>Period 2</u>	[ 0-14 ]	[ 0-16 ]		
		Shall open November 22 and continue for 9 consecutive days.			
(C)	<u>Period 3</u>	[ 0-14 ]	[ 0-14 ]		
		Shall open on the third Saturday in December and continue for 16 consecutive days.			
(13)(A) (12)(A)	<u>East Park Reservoir</u>	[ 0-64 ]	[ 0-208 ]		
		Shall open the first Saturday in September and continue for 27 consecutive days.			
(13)(A)	<u>San Luis Reservoir</u>	[ 0-10 ]	[ 0-10 ]	[ 0-10 ]	
		Shall open on the first Saturday in October and continue for 23 consecutive days.			
(14)(A)	<u>San Luis Reservoir Period 1</u>	[ 0-10 ]	[ 0-20 ]	[ 0-10 ]	
		Shall open on the first Saturday in October and continue for 23 consecutive days.			
(B)	<u>Period 2</u>	[ 0-10 ]	[ 0-20 ]	[ 0-10 ]	
		Shall open on the second Saturday in November and continue for 12 consecutive days.			
(C)	<u>Period 3</u>	[ 0-10 ]	[ 0-20 ]	[ 0-10 ]	
		Shall open on the third Saturday in December and continue for 12 consecutive days.			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(15)(A) (14)(A)	Bear Valley	[ 0-104 ]	[ 0-102 ]		
		Shall open on the second Saturday in October and continue for 9 consecutive days.			
(16)(A)	Lake Pillsbury Period 1	[ 0-10 ]	[ 0-10 ]		
		Shall open on the Monday following the fourth Saturday in September and continue for 10 consecutive days.			
(B)	Period 2	[ 0-10 ]	[ 0-10 ]		
		Shall open on the second Wednesday in October and continue for 10 consecutive days.			
(C)	Period 3	[ 0-10 ]	[ 0-10 ]		
		Shall open on the fourth Wednesday in October and continue for 10 consecutive days.			
(15)(A)	Lake Pillsbury Period 1		[ 0-4 ]		
		Shall open on the Wednesday preceding the second Saturday in September and continue for 10 consecutive days.			
(B)	Period 2	[ 0-4 ]			
		Shall open Monday following the fourth Saturday in September and continue for 10 consecutive days.			
(17)(A) (16)(A)	Santa Clara	[ 0-154 ]	[ 0-20 ]		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(18)(A) (17)(A)	Alameda	[ 0-4 ]	[ 0-10 ]		
		Shall open on the second Saturday in October and continue for 16 consecutive days.			
(19)(A)	San Emigdio Mountain	[ 0-15 ]	[ 0-40 ]		
		Shall open on the second Saturday in November and continue for 14 consecutive days.			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(20)(A)	Camp Roberts Public Period 1	[0-10]	[0-20]		
		Shall open on the third Saturday in September and continue for 16 consecutive days.			
(B)	Period 2	[0-10]	[0-20]		
		Shall open on the second Saturday in November and continue for 16 consecutive days			
(C)	Period 3	[0-10]	[0-20]		
		Shall open 16 days prior to January 2 and continue for 16 consecutive days.			
(v) Department Administered Apprentice Hunts					
(1)(A)	Siskiyou General Methods Roosevelt Elk Apprentice			[0-2]	
		Shall open on the second Saturday in September and continue for 12 consecutive days.			
(1)(A)	Marble Mountain General Methods Roosevelt Elk Apprentice			[0-4]	
		Shall open on the Wednesday preceding the second Saturday in September and continue for 12 consecutive days.			
(2)(A)	Marble Mountain North General Methods Roosevelt Elk Apprentice			[0-4]	
		Shall open on the second Saturday in September and continue for 12 consecutive days.			
(3)(A)	Marble Mountain South General Methods Roosevelt Elk Apprentice			[0-4]	
		Shall open on the second Saturday in September and continue for 12 consecutive days.			
(4)(A) (2)(A)	Northeast California General Methods Rocky Mountain Elk Apprentice			[0-4]	
		Shall open on the Wednesday preceding the third Saturday in September and continue for 12 consecutive days			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
(5)(A) (3)(A)	Cache Creek General Methods	[ 0-2 ]	[ 0-2 ]		
	Tule Elk Apprentice	Shall open on the second Saturday in October and continue for 16 consecutive days.			
(6)(A) (4)(A)	La Panza General Methods	[ 0-2 ]	[ 0-2 ]		
	Tule Elk Apprentice	Shall open on the second Saturday in October and extend for 23 consecutive days.			
(7)(A) (5)(A)	Bishop General Methods	[ 0-10 ]	[ 0-30 ]		
	Tule Elk Apprentice Period 2	Shall open on the first Saturday in October and extend for 9 consecutive days.			
(8)(A) (6)(A)	Grizzly Island General Methods		[ 0-4 ]		[ 0-4 ]
	Tule Elk Apprentice Period 1	Shall open on the second Tuesday after the first Saturday in August and continue for 4 consecutive days			
(B)	Period 2		[ 0-4 ]		[ 0-4 ]
		Shall open on the first Thursday following the opening of period one and continue for 4 consecutive days.			
(C)	Period 3		[ 0-4 ]		[ 0-4 ]
		Shall open on the first Tuesday following the opening of period two and continue for 4 consecutive days.			
(D)	Period 4		[ 0-4 ]		[ 0-4 ]
		Shall open on the first Thursday following the opening of period three and continue for 4 consecutive days.			
(9)(A) (7)(A)	Fort Hunter Liggett General Public	[ 0-2 ]	[ 0-8 ]		
	General Methods Apprentice	Shall open on the third Saturday in December and continue for 16 consecutive days.			
(w) Department Administered Archery Only Hunts					
(1)(A)	Northeast California Archery Only	[0-10]	[0-10]	[ 0-20 ]	
		Shall open on the Wednesday preceding the first Saturday in September and continue for 12			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
		consecutive days.			
(2)(A)	Owens Valley Multiple Zone Archery Only	[ 0-10 ]	[ 0-10 ]		
		Shall open on the second Saturday in August and extend for 9 consecutive days.			
(3)(A)	Goodale Archery Only Period 1	[ 0-10 ]	[ 0-10 ]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(4)(A) (3)(A)	Lone Pine Archery Only Period 1	[ 0-10 ]	[ 0-30 ]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(5)(A) (4)(A)	Tinemaha Archery Only Period 1	[ 0-10 ]	[ 0-30 ]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(6)(A) (5)(A)	Whitney Archery Only Period 1	[ 0-10 ]	[ 0-30 ]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(7)(A) (6)(A)	Fort Hunter Liggett General Public Archery Only Either Sex			[ 0-10 ]	
		Shall open on the last Wednesday in July and continue for 9 consecutive days			
(B)	Fort Hunter Liggett General Public Archery Only Antlerless		[ 0-10 ]		
		Shall open on the last Wednesday in September and continue for 9 consecutive days			
(x) Department Administered Muzzleloader Only Tule Elk Hunts					
(1)(A)	Bishop Muzzleloader Only Period 1	[ 0-10 ]	[ 0-30 ]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(2)(A)	Independence Muzzleloader Only	[ 0-10 ]	[ 0-10 ]		

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
	Period 1	Shall open on the second Saturday in September and extend for 16 consecutive days.			
(3)(A)	Goodale Muzzleloader Only Period 1	[ 0-10 ]	[ 0-10 ]		
		Shall open on the second Saturday in September and extend for 16 consecutive days.			
(4)(A)	Fort Hunter Liggett General Public Muzzleloader Only	[ 0-6 ]	[ 0-10 ]		
		Shall open on the second Saturday in October and continue for 12 consecutive days.			
(y) Department Administered Muzzleloader/Archery Only Hunts					
(1)(A)	Marble Mountain Muzzleloader/Archery Roosevelt Elk			[ 0-20 ]	
		Shall open on the last Saturday in October and extend or 9 consecutive days.			
(1)(A)	Siskiyou Muzzleloader/Archery Roosevelt Elk			[ 0-20 ]	
		Shall open on the last Wednesday in August and continue for 9 consecutive days.			
(2)(A)	Marble Mountain North Muzzleloader/Archery Roosevelt Elk			[ 0-20 ]	
		Shall open on the last Wednesday in August and continue for 9 consecutive days.			
(3)(B)	Marble Mountain South Muzzleloader/Archery Roosevelt Elk			[ 0-20 ]	
		Shall open on the last Wednesday in August and continue for 9 consecutive days.			
(z) Fund Raising Elk Tags					
(1)(A)	Multi-zone Fund Raising Tags	1			

§	Hunt	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		5. Season			
		Shall open on the second Saturday in August and continue for 90 consecutive days Siskiyou and Marble Mountains Roosevelt Elk Season shall open on the Wednesday preceding the first Saturday in September and continue for 19 consecutive days. Northwestern Roosevelt Elk Season shall open on the last Wednesday in August and continue for 30 consecutive days. Northeastern Rocky Mountain Elk Season shall open on the Wednesday preceding the last Saturday in August and continue for 33 consecutive days. La Panza Tule Elk Season shall open on the first Saturday in October and extend for 65 consecutive days.			
(2)(A)	Grizzly Island Fund Raising Tags	1			
		Shall open on the first Saturday in August and continue for 30 consecutive days.			
(3)(A)	Owens Valley Fund Raising Tags	1			
		Shall open on the last Saturday in July and extend for 30 consecutive days.			
(aa) Military Only Tule Elk Hunts					
(1)(A)	Fort Hunter Liggett Military Only General Methods Early Season	[ 0-2 ]	[ 0-2 ]		
		The early season shall open on the second Monday in August and continue for 5 consecutive days and reopen on the fourth Monday in August and continue for 5 consecutive days.			
(B)	Period 1		[ 0-16 ]		
		Shall open on the first Thursday in November and continue for 9 consecutive days.			
(C)	Period 2		[ 0-14 ]		
		Shall open November 22 and continue for 9 consecutive days.			



§	Hunt	<u>1. Bull Tags</u>	<u>2. Antlerless Tags</u>	<u>3. Either-Sex Tags</u>	<u>4. Spike Tags</u>
		<u>5. Season</u>			
(D)	Period 3	[ 0-14 ]			
		Shall open on the third Saturday in December and continue for 16 consecutive days			
(2)(A)	Fort Hunter Liggett Military Only General Methods Apprentice	[ 0-2 ]	[ 0-8 ]		
		Shall open on the third Saturday in December and continue for 16 consecutive days.			
(3)(A)	Fort Hunter Liggett Military Only Archery Only Either sex			[ 0-6 ]	
		Shall open on the last Wednesday in July and continue for 9 consecutive days			
(B)	Antlerless		[ 0-10 ]		
		Shall open on the last Wednesday in September and continue for 9 consecutive days.			
(4)(B)	Fort Hunter Liggett Military Only Muzzleloader Only	[ 0-6 ]			
		Shall open on the second Saturday in October and continue for 12 consecutive days.			
(5)(A)	Camp Roberts Military Only General Methods Period 1	[ 0-10 ]	[ 0-20 ]		
		Shall open on the third Saturday in September and continue for 16 consecutive days.			
(B)	Period 2	[ 0-10 ]	[ 0-20 ]		
		Shall open on the second Saturday in November and continue for 16 consecutive days.			
(C)	Period 3	[ 0-10 ]	[ 0-20 ]		
		Shall open 16 days prior to January 2 and continue for 16 consecutive days.			

Note: Authority cited: Sections 200, 202, 203, 332 and 1050, Fish and Game Code.  
Reference: Sections 203, 203.1, 332, 713 and 1050, Fish and Game Code.

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-Publication of Notice Statement)

Amend Section 364.1  
Title 14, California Code of Regulations (CCR)  
Re: SHARE Elk Hunts

I. Date of Initial Statement of Reasons: October 12, 2015  
February 11, 2017 (Amended)

II. Dates and Locations of Scheduled Hearings:

- |     |                     |           |                   |
|-----|---------------------|-----------|-------------------|
| (a) | Notice Hearing:     | Date:     | December 10, 2015 |
|     |                     | Location: | San Diego, CA     |
| (b) | Discussion Hearing: | Date:     | February 11, 2016 |
|     |                     | Location: | Sacramento, CA    |
| (c) | Adoption Hearing:   | Date:     | April 14, 2016    |
|     |                     | Location: | Santa Rosa, CA    |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. It is necessary for the Department of Fish and Wildlife (Department) to improve the hunting regulations and make them more user-friendly.

Section 364.1, SHARE Elk Hunts, is proposed to be amended in conjunction with the amendments to Section 364, Elk. This is necessary because of the addition of new hunt zones, zone splitting, zone boundary modifications, and tag quota modifications in the amended 364 regulations. The SHARE private property elk hunts correspond with elk hunts identified in 364. These regulations authorize SHARE elk hunts with separate seasons and tag quotas. Tag issuance will be through the SHARE program utilizing the department's existing tag distribution procedures.

Current subsection 364.1(c) contains a Table setting forth the hunt tag quotas. CDFW proposes to move the area descriptions (in the same order and number as provided in Section 364) to the table. For example, part of the current regulation in subsection 364(a) reads as follows:

"§ 364.1. SHARE Elk Hunts.

(a) Department Administered Shared Habitat Alliance for Recreational

Enhancement (SHARE) Elk Hunts:  
 (1) Siskiyou Roosevelt Elk SHARE Hunt:  
 (A) Area: Within the boundaries identified in Section 364(a)(1)(A). Individual property boundaries will be identified in the SHARE application package.”

The Table will be formatted in the same order as the hunts described in Section 364 and the Areas will be placed in the amended Table as shown in the example below:

§ 364.1. SHARE: Department Administered Shared Habitat Alliance for Recreational Enhancement Elk Hunts

§	Hunt	(A) Tag Quota	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
			(B) Area			
(i) Department Administered SHARE Roosevelt Elk Hunts						
(1)	Siskiyou		10	10		
			(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).			

The complete Table and text is found in the attached amended Regulatory Text of Section 364.1.

2. Number of Tags.

In order to achieve appropriate harvest levels and maintain hunting quality it is necessary to annually adjust quotas (total number of tags) in response to dynamic environmental and biological conditions. Department regulations specify elk license tag quotas for each hunt in accordance with management goals and objectives. The proposed amendments will modify Section 364.1, adding a new subsection (a) to include a Table which specifies the number of elk tags in each hunt area for the 2016 season. However, the amendments to Section 364.1 will begin with a range of tags (expressed as [ 0 - 40 ], etc.) since the final recommendations for quotas cannot be determined until winter survey data and harvest results are analyzed.

The final number of tags will be recommended to the Commission at the adoption hearing in April 2016, based upon the completion of winter elk surveys and resulting data analysis.

(b) Authority and Reference:

Authority: Fish and Game Code sections 200, 202, 203, 332 and 1050.

Reference: Fish and Game Code sections 203, 203.1, 332, 713, and 1050.

(c) Specific Technology or Equipment Required by Regulatory Change: None.

(d) Identification of Reports or Documents Supporting Regulation Change:

2016 Draft Environmental Document Regarding Elk Hunting  
Final Environmental Document Regarding Elk Hunting dated April 21, 2010

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

A public discussion was held at the Fish and Game Commission's Wildlife Resources Committee meeting held on September 9, 2015 in Fresno, California.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified. Elk tag quotas must be adjusted periodically in response to a variety of environmental and biological conditions including forage availability, population structure, and overwinter survival rates. Elk populations have increased and landowner conflicts have also escalated in several areas. Adjusting tag quotas provides for appropriate harvest levels within the zones.

Failure to adjust SHARE hunt areas in Section 364.1 to correspond with elk hunts in Section 364 would create inconsistency in regulation regarding both zone boundaries and tag ranges.

(b) No Change Alternative:

The no change alternative was considered and rejected because Section 364.1 must correspond with the elk hunts described in amended Section 364; not doing so would create confusion in both zone boundaries and tag ranges.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed. The number of tags that will be issued from the newly proposed range will result in a harvest that is at or below the harvest analyzed in the 2016 Draft Environmental Document Regarding Elk hunting, Final Environmental Document Regarding Elk Hunting dated April 21, 2010.

## VI. Impact of Regulatory Action.

This proposed action adjusts tag quotas. Given the number of tags available, and the area over which they are distributed, this proposal is economically neutral to business.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businessmen to Compete with Businesses in Other States.

The proposed action will not have a significant statewide economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Considering the small number of tags issued over the entire state, this proposal is economically neutral to business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed action will not affect jobs or businesses in California and does not provide benefits to worker safety.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment in the sustainable management of natural resources.

- (c) Cost Impacts on Representative Private Persons/Business.

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State. None.

- (e) Other Nondiscretionary Costs/Savings to Local Agencies. None.

- (f) Programs Mandated on Local Agencies or School Districts. None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed under Part 7 (commencing with Section 17500) of Division 4. None.

- (h) Effect on Housing Costs. None.

## VII. Economic Impact Assessment.

The proposed action will have no statewide economic or fiscal impact because the proposed action will not constitute a significant change from the last elk season. The number of tags to be set in regulation for 2016 is intended to achieve or maintain the levels set forth in the approved management plans to sustainably manage elk populations and maintain hunting opportunities in subsequent seasons.

(a) Effects of the regulation on the creation or elimination of jobs within the State:

The regulation will not affect the creation or elimination of jobs because no significant changes in hunting activity levels are anticipated.

(b) Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State:

The regulation will not impact the creation of new businesses or the elimination of businesses because no significant changes in hunting activity levels are anticipated.

(c) Effects of the regulation on the expansion of businesses currently doing business within the State

The regulation will not affect the expansion of businesses currently doing business within the State because no significant changes in hunting activity levels are anticipated.

(d) Benefits of the regulation to the health and welfare of California residents:

The proposed regulation will not have a direct benefit on the health and welfare of California residents.

(e) Benefits of the regulation to worker safety.

The proposed regulation will not affect worker safety.

(f) Benefits of the regulation to the State's environment

It is the policy of the State to encourage the conservation, maintenance, and utilization of the living resources. The proposed action will further this core objective.

## INFORMATIVE DIGEST (Policy Statement Overview)

Current regulations in Section 364.1, SHARE Elk Hunts, T14, CCR, specify elk tag quotas for each hunt area. In order to achieve elk herd management goals and objectives and maintain hunting quality, it is periodically necessary to adjust quotas in response to dynamic environmental and biological conditions. In conjunction with proposed amendments to Section 364, Elk, which will delete, amend and add hunt areas, it is necessary to similarly amend Section 364.1 for consistency.

Preliminary tag quota ranges are indicated pending final 2016 tag allocations in accordance with elk management goals and objectives. Survey data collected between October 2015, and March 2016, will be the basis for the final tag numbers recommended to the Commission at the April 2016 adoption hearing. The quota ranges for 2016 elk tags are indicated in the proposed Regulatory Text.

Other minor editorial changes and renumbering have also been made.

The complete Table and text is found in the attached proposed Regulatory Text of Section 364.1.

### Benefits of the regulations

The proposed regulations will contribute to the sustainable management of elk populations in California. Existing elk herd management goals specify objective levels for the proportion of bulls in the herds. These ratios are maintained and managed in part by annually modifying the number of tags. The final values for the license tag numbers will be based upon findings from annual harvest and herd composition counts where appropriate.

### Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

### Consistency with State or Federal Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202 and 203, has the sole authority to regulate elk hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to elk tag allocations are consistent with Title 14. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

The Department, at the Commission's February 11, 2016 meeting in Sacramento requested the Commission consider its withdrawal of the proposed draft 2016 Elk CEQA document, and instead asked the Commission rely on existing CEQA. Reverting back to the original CEQA

proposals requires the renote of proposed regulatory text which included proposals that added additional hunt zones in sections 364 and 364.1 that were identified as projects under the CEQA document being withdrawn, as well as necessary paragraph renumbering.

Final tag quotas and an addendum to the Final Environmental Document regarding Elk Hunting, dated April 21, 2010 will be provided to interested and affected parties at least 15 days prior to its consideration by the Commission at its April 14, 2016 meeting in Santa Rosa.



## REGULATORY TEXT

Section 364.1 is amended to read:

### § 364.1. SHARE Elk Hunts.

(a)-: Department Administered Shared Habitat Alliance for Recreational Enhancement (SHARE) Elk Hunts

(1) Siskiyou Roosevelt Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(a)(1)(A). Individual property boundaries will be identified in the SHARE application package.

(2) Big Lagoon Roosevelt Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(a)(2)(A). Individual property boundaries will be identified in the SHARE application package.

(3) Northwestern California Roosevelt Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(a)(3)(A). Individual property boundaries will be identified in the SHARE application package.

(4) Klamath Roosevelt Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(a)(4)(A). Individual property boundaries will be identified in the SHARE application package.

(5) Del Norte Roosevelt Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(a)(5)(A). Individual property boundaries will be identified in the SHARE application package.

(6) Marble Mountains Roosevelt Elk SHARE Hunt

(A) Area: Within the boundaries identified in Section 364(a)(6)(A). Individual property boundaries will be identified in the SHARE application package.

(7) Northeastern California Rocky Mountain Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(b)(1)(A). Individual property boundaries will be identified in the SHARE application package.

(8) Mendocino Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(c)(1)(A). Individual property boundaries will be identified in the SHARE application package.

(9) Cache Creek Tule Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(d)(1)(A). Individual property boundaries will be identified in the SHARE application package.

(10) La Panza Tule Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(d)(2)(A). Individual property boundaries will be identified in the SHARE application package.

(11) Bishop Tule Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(d)(3)(A). Individual property boundaries will be identified in the SHARE application package.

(12) Independence Tule Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(d)(4)(A). Individual property boundaries will be identified in the SHARE application package.

(13) Lone Pine Tule Elk SHARE Hunt:

(A) Area: Within the boundaries identified in Section 364(d)(5)(A). Individual property boundaries will be identified in the SHARE application package.

~~(14) Tinemaha Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(6)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(15) West Tinemaha Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(7)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(16) Tinemaha Mountain Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(8)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(17) Whitney Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(9)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(18) Grizzly Island Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(10)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(19) Fort Hunter Liggett General Public Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(11)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(20) East Park Reservoir Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(12)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(21) San Luis Reservoir Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(13)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(22) Bear Valley Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(14)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(23) Lake Pillsbury Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(15)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(24) Santa Clara Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(16)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(25) Alameda Tule Elk SHARE Hunt:~~

~~(A) Area: Within the boundaries identified in Section 364(d)(17)(A). Individual property boundaries will be identified in the SHARE application package.~~

~~(b) (a) Season: The overall season shall open on the August 15 through January 31.~~

~~Individual SHARE properties will be assigned seasons corresponding with management goals.~~

~~(c) Number of SHARE Elk License Tags~~

	2015 Final SHARE Elk Tag Allocation				
	Hunt Name	Bull	Antlerless	Either-sex	Spike
(1)	Siskiyou	10	10	-	-
(2)	Big Lagoon	0	0	-	-
(3)	Northwestern California	0	0	0	-
(4)	Klamath	0	0	-	-
(5)	Del Norte	0	0	-	-
(6)	Marble Mountains	5	10	-	-
(7)	Northeastern California	0	0	-	-
(8)	Mendocino	2	2	-	-
(9)	Cache Creek	1	1	-	-
(10)	La Panza	12	11	-	-
(11)	Bishop	0	0	-	-
(12)	Independence	0	0	-	-
(13)	Lone Pine	0	0	-	-
(14)	Tinemaha	0	0	-	-
(15)	West Tinemaha	0	0	-	-
(16)	Tinemaha Mountain	0	-	-	-
(17)	Whitney	0	0	-	-
(18)	Grizzly Island	0	0	-	0
(19)	Fort Hunter Liggett	0	0	0	-
(20)	East Park Reservoir	2	4	-	-
(21)	San Luis Reservoir	0	0	5	-
(22)	Bear Valley	1	0	-	-
(23)	Lake Pillsbury	0	0	-	-
(24)	Santa Clara	0	-	-	-
(25)	Alameda	0	-	-	-

(d)-(b) Bag and Possession Limit: Each elk tag is valid only for one elk per season and only in the SHARE hunt area drawn, and persons shall only be eligible for one elk tag per season through 364 or 364.1.

(e) Definitions:

(1) Bull elk: Any elk having an antler or antlers at least four inches in length as measured from the top of the skull.

(2) Spike bull: A bull elk having no more than one point on each antler. An antler point is a projection of the antler at least one inch long and longer than the width of its base.

(3) Antlerless elk: Any elk, with the exception of spotted calves, with antlers less than four inches in length as measured from the top of the skull.

(4) Either-sex elk: For the purposes of these regulations, either-sex is defined as bull elk or antlerless elk.

- (c) Individual property boundaries will be identified in the SHARE application package.
- (f)(d) Method of Take: Only methods for taking elk as defined in Sections 353 and 354 may be used.
- (g)(e) Tagholder Responsibilities: See subsection 364(z).
- (1) No tagholder shall take or possess any elk or parts thereof governed by the regulations except as provided herein.
- (3) Any person taking an elk that has a collar or other marking device attached to it shall
- (2) The department reserves the right to use any part of the tagholder's elk for biological analysis as long as the amount of edible meat is not appreciably decreased.
- provide the department with such marking device within 10 days of taking the elk.
- (h)(f) The use of dogs to take or attempt to take elk is prohibited.
- (i)(g) Applicants shall apply for a SHARE Access Permit, and pay a nonrefundable application fee as specified in Section 602, through the department's Automated License Data System terminals at any department license agent, department license sales office, or online.
- (j)(h) Upon receipt of winner notification, successful applicants shall submit the appropriate tag fee as specified in Section 702 through any department license sales office or online through the department's Automated License Data System.

§	(A) Hunts	1. <u>Bull Tags</u>	2. <u>Antlerless Tags</u>	3. <u>Either-Sex Tags</u>	4. <u>Spike Tags</u>
		(B) Area			
(i) Department Administered SHARE Roosevelt Elk Hunts					
(1)	<u>Siskiyou</u>	[0-5510]	[0-10010]		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(1)(A).			
(2)	<u>Northwestern</u>	[0-10]	[0-20]	[0-5]	
		(A) Area: The tag shall be valid in the area described in subsection 364(a)(2)(A).			
	<u>Del Norte</u>	[0-25]	[0-100]	[0-50]	
		(A) Area: The tag shall be valid in the area described in subsection 364(a)(2)(A).			
(3)	<u>Humboldt</u>	[0-25]	[0-100]	[0-50]	
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(3)(A).			
(4)	<u>Marble Mountain North</u>	[0-20]	[0-25]		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(4)(A).			
(5)(3)	<u>Marble Mountain South</u>	[0-2010]	[0-2515]		
		(B) Area: The tag shall be valid in the area described in subsection 364(a)(5)(3)(A).			

§	(A) Hunts	1. Bull Tags	2. Antlerless Tags	3. Either-Sex Tags	4. Spike Tags
		(B) Area			
(j) Department Administered General Methods SHARE Rocky Mountain Elk Hunts					
(1)	Northeast California	[ 0-2010 ]	[ 0-2010 ]		
		(B) Area: The tag shall be valid in the area described in subsection 364(b)(1)(A).			
(k) Department Administered SHARE Roosevelt/Tule Elk Hunts					
(1)	Mendocino North Coast	[ 0-104 ]	[ 0-404 ]		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(1)(A).			
(2)	Mendocino Middle Fork	[ 0-10 ]	[ 0-40 ]		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(2)(A).			
(3)	Mendocino Upper Russian River	[ 0-10 ]	[ 0-40 ]		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(3)(A).			
(4)	Mendocino Little Lake	[ 0-1 ]	[ 0-5 ]		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(4)(A).			
(5)	Mendocino South Coast	[ 0-5 ]	[ 0-10 ]		
		(B) Area: The tag shall be valid in the area described in subsection 364(c)(5)(A).			
(l) Department Administered SHARE Tule Elk Hunts					
(1)	Cache Creek	[ 0-102 ]	[ 0-102 ]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(1)(A).			
(2)	La Panza	[ 0-4010 ]	[ 0-6010 ]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(2)(A).			
(3)	Bishop	[ 0-102 ]	[ 0-302 ]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(3)(A).			
(4)	Independence	[ 0-102 ]	[ 0-302 ]		
		(B) Area: The tag shall be valid in the area described in subsection 364(d)(4)(A).			

<u>§</u>	<u>(A) Hunts</u>	<u>1.</u> <u>Bull Tags</u>	<u>2.</u> <u>Antlerless</u> <u>Tags</u>	<u>3.</u> <u>Either-Sex</u> <u>Tags</u>	<u>4.</u> <u>Spike</u> <u>Tags</u>
		<u>(B) Area</u>			
<u>(5)</u>	<u>Goodale</u>	<u>[0-10]</u>	<u>[0-10]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(5)(A).</u>			
<u>(65)</u>	<u>Lone Pine</u> <u>Period 2</u>	<u>[0-402]</u>	<u>[0-302]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(6)(5)(A).</u>			
<u>(76)</u>	<u>Tinemaha</u>	<u>[0-402]</u>	<u>[0-302]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(7)(6)(A).</u>			
<u>(87)</u>	<u>West Tinemaha</u>	<u>[0-402]</u>	<u>[0-302]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(8)(7)(A).</u>			
<u>(98)</u>	<u>Tinemaha Mountain</u>	<u>[0-82]</u>			
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(9)(8)(A).</u>			
<u>(109)</u>	<u>Whitney</u>	<u>[0-42]</u>	<u>[0-102]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(10)(9)(A).</u>			
<u>(1110)</u>	<u>Grizzly Island</u>	<u>[0-2]</u>	<u>[0-5010]</u>		<u>[0-5010]</u>
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(11)(10)(A).</u>			
<u>(1211)</u>	<u>Fort Hunter Liggett</u> <u>Central Coast</u>	<u>[0-424]</u>	<u>[0-444]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(12)(11)(A).</u>			
<u>(1312)</u>	<u>East Park Reservoir</u>	<u>[0-6]</u>	<u>[0-206]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(13)(12)(A).</u>			
<u>(1413)</u>	<u>San Luis Reservoir</u>	<u>[0-305]</u>	<u>[0-305]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(14)(13)(A).</u>			
<u>(1514)</u>	<u>Bear Valley</u>	<u>[0-10]</u>	<u>[0-10]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(15)(A).</u>			
<u>(1615)</u>	<u>Lake Pillsbury</u>	<u>[0-104]</u>	<u>[0-104]</u>		

<u>§</u>	<u>(A) Hunts</u>	<u>1.</u> <u>Bull Tags</u>	<u>2.</u> <u>Antlerless</u> <u>Tags</u>	<u>3.</u> <u>Either-Sex</u> <u>Tags</u>	<u>4.</u> <u>Spike</u> <u>Tags</u>
		<u>(B) Area</u>			
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(16)(15)(A).</u>			
<u>(1716)</u>	<u>Santa Clara</u>	<u>[ 0-15 ]</u>	<u>[ 0-20 ]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(17)(16)(A).</u>			
<u>(1817)</u>	<u>Alameda</u>	<u>[ 0-4 ]</u>	<u>[ 0-10 ]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(18)(17)(A).</u>			
<u>(19)</u>	<u>San Emigdio Mountain</u>	<u>[ 0-15 ]</u>	<u>[ 0-40 ]</u>		
		<u>(B) Area: The tag shall be valid in the area described in subsection 364(d)(19)(A).</u>			
<u>(20)</u>	<u>Camp Roberts</u> <u>NO SHARE</u>				

Note: Authority Cited: Sections 332 and 1050, Fish and Game Code. Reference: Sections 332, 1050 and 1574, Fish and Game Code.

BOS-11, Qpage

**Commissioners**  
**Eric Sklar, President**  
Saint Helena  
**Jacque Hostler-Carmesin, Vice President**  
McKinleyville  
**Anthony C. Williams, Member**  
Huntington Beach  
**Vacant, Member**  
**Vacant, Member**

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Mike Yaun, Acting Executive Director**  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

## Fish and Game Commission



*Wildlife Heritage and Conservation*  
*Since 1870*

February 24, 2016

TO ALL AFFECTED AND INTERESTED PARTIES:

This is to provide you with a Notice of Findings regarding the Humboldt marten which will be published in the California Regulatory Notice Register on February 26, 2016.

Sincerely,

Sheri Tiemann  
Associate Governmental Program Analyst

Attachment



Commissioners  
Eric Sklar, President  
Saint Helena  
Jacque Hostler-Carmesin, Vice President  
McKinleyville  
Anthony C. Williams, Member  
Huntington Beach  
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## Fish and Game Commission



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### CALIFORNIA FISH AND GAME COMMISSION NOTICE OF FINDINGS

#### Humboldt marten (*Martes caurina humboldtensis*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission, at its February 11, 2016, meeting in Sacramento, California, accepted for consideration the petition submitted to list Humboldt marten as an endangered species. Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the Department of Fish and Wildlife's written report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur.

Based on that finding and the acceptance of the petition, the Commission is also providing notice that the aforementioned species is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department of Fish and Wildlife shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the February 11, 2016 Commission meeting, are on file and available for public review from Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Room 1320, Sacramento, California 95814, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

Fish and Game Commission

February 16, 2016

Michael Yaun  
Acting Executive Director

Bos-11, 1 page

**Commissioners**  
**Eric Sklar, President**  
Saint Helena  
**Jacque Hostler-Carmesin, Vice President**  
McKinleyville  
**Anthony C. Williams, Member**  
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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
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February 24, 2016

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to amending Section 120.7, Title 14, California Code of Regulations, relating to the commercial sea urchin fishery, which will be published in the California Regulatory Notice Register on February 26, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments. Additional information and all associated documents may be found on the Fish and Game Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov).

**Ms. Susan Ashcraft, Fish and Game Commission, phone (916) 653-1803, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

Sheri Tiemann  
Associate Governmental Program Analyst

Attachment

## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 713, 1050, 9054 and 9055, of the Fish and Game Code and to implement, interpret or make specific Sections 713, 1050, 7850, 7852.2, 7857, 9054 and 9055, of said Code, proposes to amend Section 120.7, Title 14, California Code of Regulations, relating to Commercial Sea Urchin Fishery.

### **Informative Digest/Policy Statement Overview**

State law (Section 9054, Fish and Game Code) authorizes the Commission to set the conditions for issuance of commercial sea urchin diving permits, and to limit the number of permits that may be issued when necessary to prevent overutilization or to ensure efficient and economic operation of the fishery on a statewide basis or within selected geographical areas.

Proposed changes to regulations:

- Subsection 120.7(d)(2), Title 14, CCR, currently provides for new sea urchin diving permits to be issued annually, dependent on whether the number of renewed permits from the prior year is less than or greater than the capacity goal of 300. The proposed amendments to the regulation would ensure that if any new permits are added, the capacity goal of 300 permits will not be exceeded. All qualified diving permits from the previous year are eligible to be renewed.
- Existing regulations (subsection 120.7(m), Title 14, CCR) require that each permittee shall record daily fishing activity records on a logbook provided by the Department, and specifies to which office the completed daily records shall be sent based on the location of fishing activity. The proposed regulation would add a cross-reference to Section 190, Title 14, CCR, regarding fishing activity records, and would delete the location of Department offices where fishing activity records shall be sent, since this information is already specified on the logbook forms.

The proposed regulatory action will benefit fishermen, processors, and the State's economy in the form of a healthy sustainable fishery, and future harvestable sea urchin populations.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the commercial take of sea urchins (Sections 9054 and 9055, Fish and Game Code). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Commission has

searched the California Code of Regulations and finds no other State agency regulations pertaining to the commercial take of sea urchins.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Flamingo Conference Resort and Spa, 2777 Fourth St., in Santa Rosa, California, on Wednesday, April 13, 2016 at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed or e-mailed to the Commission office must be received before 8:00 a.m. on April 14, 2016. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Michael Yaun or Sheri Tiemann at the preceding address or phone number. **Ms. Susan Ashcraft, Fish and Game Commission, phone (916) 653-1803, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the proposed action will not increase costs or reduce harvest quotas. These actions are intended to align the number of permits issued with the existing fishery permit sales restrictions which should increase the average catch per unit of effort and ensure the long-term sustainability of the fishery.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

No impacts on the creation or elimination of jobs within the state, the creation of new businesses, the elimination of existing businesses or the expansion of businesses are anticipated because the proposed action will not increase costs or reduce harvest quotas. These actions are intended to align the number of permits issued with the existing fishery permit sales restrictions which should increase the average catch per unit of effort and ensure the long-term sustainability of the fishery. The Commission does not anticipate any benefits to the health and welfare of California residents or worker safety.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Michael Yaun  
Acting Executive Director

Dated: February 16, 2016

**Commissioners**  
**Eric Sklar**, President  
Saint Helena  
**Jacque Hostler-Carmesin**, Vice President  
McKinleyville  
**Anthony C. Williams**, Member  
Huntington Beach  
**Vacant**, Member  
**Vacant**, Member

STATE OF CALIFORNIA  
Edmund G. Brown Jr., Governor

**Mike Yaun**, Acting Executive Director  
1416 Ninth Street, Room 1320  
Sacramento, CA 95814  
(916) 653-4899  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

## Fish and Game Commission



Wildlife Heritage and Conservation  
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February 26, 2016

This is to provide you with a copy of the notice of proposed regulatory action relative to Amending sections 502 and 507, Title 14, California Code of Regulations, relating to Waterfowl Regulations for the 2016-2017 season, which are published in the California Regulatory Notice Register on February 26, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Additional information and all associated documents may be found on the Fish and Game Commission website at <http://www.fgc.ca.gov/regulations/2016/index.aspx>.

**Ms. Melanie Weaver, Wildlife Branch, phone (916) 445-3717, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,



Jon D. Snellstrom

Associate Governmental Program Analyst

Attachment

**TITLE 14. Fish and Game Commission  
Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 202 and 355 of the Fish and Game Code and to implement, interpret or make specific Sections 202, 355 and 356 of said Code, proposes to amend section 502 and 507, Title 14, California Code of Regulations (CCR), relating to Waterfowl hunting.

**Informative Digest/Policy Statement Overview**

**Section 502**

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits for waterfowl hunting.

The frameworks for the 2016-17 season have been approved by the Flyway Councils and adopted at the Service Regulation's Committee meeting October 20-21, 2015. The proposed frameworks allow for a liberal duck season which includes a 107 day season, 7 daily duck limit including 7 mallards but only 2 hen mallards, 2 pintail, 2 canvasback, 2 redheads, and 3 scaup (during an 86 day season). Duck daily bag limits ranges, duck season lengths ranges and goose season length ranges have been provided to allow the FGC flexibility. Lastly, Federal regulations require that California's hunting regulations conform to those of Arizona in the Colorado River Zone and with Oregon in the North Coast Special Management Area. Based on the frameworks, the Department of Fish and Wildlife (Department) provides an annual recommendation to the Fish and Game Commission.

The Department recommendations are as follows:

1. Changes in current subsection 502(d)1 propose to allow hunting on the Department's Type C wildlife areas and public waters during the late season hunt in the Northeastern Zone.
2. Changes in current subsection 502(d) propose to increase the total daily bag limit for geese in the Northeastern, Southern San Joaquin Valley, and the Balance of State zones from 25 to 30 geese per day; the Southern California Zone total daily bag limit for geese will increase from 18 to 23 geese per day. The bag limit for white geese will increase from 15 to 20 per day in the zones referenced.
3. Proposed changes in current subsection 502(d)(5)(D)8 increase the white goose daily bag limit in the Imperial County Special Management Area from 15 to 20 per day.



4. Proposed changes in current subsection 502(e) modify the age limit to participate in the Youth Waterfowl Hunting Days from 15 years of age and under to 17 years of age and under.

Minor editorial changes are also proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

### **Section 507**

Current regulations in Section 507(a)(2), Title 14, California Code of Regulations (CCR), prohibit archery hunters from carrying a firearm while hunting migratory birds. However, since there is no specific archery only hunt set aside for migratory birds, there is no reason to think individuals would take a bird with a firearm but pretend it was taken with archery equipment. Consequently, there is no reason to restrict archers from carrying firearms when taking migratory birds. The existing regulation also refers to "crossbows bolts," rather than the proposed "crossbow bolts." This amendment is intended to correct a grammatical error and is necessary to improve the clarity of the regulation.

The Department proposes to delete that part of subsection 507(a)(2) prohibiting the possession of a firearm while archery hunting.

#### **Benefits of the regulations**

The benefit of the proposed regulation is consistency in regulations. Adoption of scientifically-based criteria for migratory waterfowl provides for the protection and maintenance of waterfowl populations to ensure their continued existence. The benefits of the proposed regulations are in sustainable management of the State's waterfowl resources, the businesses that rely on sport fishing in California and Federal guidelines.

#### **Consistency with State and Federal Regulations**

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate waterfowl hunting regulations. Pursuant to Section 355, Fish and Game Code, the commission may, annually adopt regulations pertaining to migratory birds to conform with or to further restrict the rules and regulations prescribed pursuant to the federal Migratory Bird Treaty Act.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at in the Flamingo Conference Resort & Spa, 2777 Fourth Street, Santa Rosa, CA 95405, California, on Thursday, April 14, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed or e-mailed to the Commission office must be received before 8:00 a.m. on April 14, 2016.

If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Mike Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Mike Yaun or Jon Snellstrom at the preceding address or phone number. **Melanie Weaver, Senior Environmental Scientist, Waterfowl Program, Department of Fish and Wildlife, phone (916) 445-3717, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### **Availability of Modified Text**

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### **Impact of Regulatory Action/Results of the Economic Impact Analysis**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed waterfowl regulations will set the 2016-17 waterfowl hunting season dates and bag limits within the federal frameworks. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the proposed regulations for the waterfowl hunting season in 2016-17. This is based on a 2011 US Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California. The report estimated that migratory bird hunters contributed about \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment by the sustainable management of California's waterfowl resources.

The Commission does not anticipate any impacts to worker safety because the proposed amendments will not affect working conditions.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

### **Effect on Small Business**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

### **Consideration of Alternatives**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

FISH AND GAME COMMISSION

Dated: February 16, 2016

Mike Yaun  
Acting Executive Director

**Commissioners**  
**Eric Sklar**, President  
Saint Helena

**Jacque Hostler-Carmesin**, Vice President  
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**Anthony C. Williams**, Member  
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## Fish and Game Commission



*Wildlife Heritage and Conservation*  
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1416 Ninth Street, Room 1320  
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(916) 653-4899  
[www.fgc.ca.gov](http://www.fgc.ca.gov)

February 24, 2016

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to amending Sections 190 and 195, Title 14, California Code of Regulations, relating to fishing activity records and CPFV logbooks, which will be published in the California Regulatory Notice Register on Feb 26, 2016.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments. Additional information and all associated documents may be found on the Fish and Game Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov).

**Ms. Katie Perry, Department of Fish and Wildlife, phone (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.**

Sincerely,

Caren Woodson  
Associate Governmental Program Analyst

Attachment

## **TITLE 14. Fish and Game Commission Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 7071, 7920, 7923, 7924, 8026, and 8587.1 of the Fish and Game Code and to implement, interpret or make specific Sections 7055, 7056, 7058, 7060, 7120, 7850, 7923, 7924, 8026, and 8587.1 of said Code, proposes to amend Sections 190 and 195, Title 14, California Code of Regulations, relating to Fishing Activity Records and CPFV Logbooks.

### **Informative Digest/Policy Statement Overview**

Current regulations in Title 14, CCR, require that the owners and operators of commercial fishing vessels, holders of commercial fishing licenses or permits participating in specified fisheries, and the owners and license holders of commercial passenger fishing vessels, keep and submit complete and accurate records of fishing activities on paper "logbooks" provided by the Department. Due to advances in computer and internet technology and the use of handheld devices by many businesses, including the fishing industry, it is necessary that the Department update its processes.

#### **Proposed Regulations**

- Section 190 is amended to add that records may be completed and submitted on the Department's web site at <https://apps.wildlife.ca.gov/marinelogs>.
  - Other minor revisions are proposed which clarify that the participant may choose either electronic or paper format but not both.
  - That fishing activity records shall be called logbooks which is the common term for these reports.
  - Logbooks shall be made available to authorized representatives of the department for inspection.
  - The subsections have been edited and renumbered for clarity.
- Subsection 195(a) is amended providing that records are to be kept "pursuant to Section 190"
  - The subject forms, with instructions, are incorporated by reference, and the provision that the forms appear in Appendix A is deleted.
  - The current provisions in subsections (a)(1)-(5) are deleted because they appear in the form instructions.
  - The subsections have been edited and renumbered for clarity.
- Forms DFW 195A and DFW 195B have been updated and incorporated by reference in regulation.
  - The instructions have been edited to include the deleted language from current regulation which relates only to the use of the forms, including subsections (a)(1), (a)(2), (a)(3), (a)(4), and (a)(5).
  - The revision date will be 01/16.

## BENEFITS OF THE PROPOSED REGULATIONS

Permitting the use of electronic reporting is in line with the increasing use of computer and internet technology and the use of handheld devices by many businesses, including the fishing industry. The proposed regulations could reduce the time required for making reports and will improve the accuracy of the data. Additionally, electronic reporting will improve the Department's data collection and ability to monitor and manage fish populations.

## EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS:

Section 20, Article IV, of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the activities of commercial fishing vessels and to monitor the take of fish. The Commission has searched the CCR for any regulations regarding other authority and has found no such regulation; therefore the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Flamingo Conference Resort and Spa, 2777 Fourth St., in Santa Rosa, California, on Wednesday, April 13, 2016, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below or by e mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed or e-mailed to the Commission office must be received before 8:00 a.m. on April 13, 2016. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Michael Yaun, Acting Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Michael Yaun or Caren Woodson at the preceding address or phone number. **Ms. Katie Perry, Department of Fish and Wildlife, phone 805-568-1246, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

#### **Impact of Regulatory Action/Results of the Economic Impact Analysis**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Electronic reporting of fishing activities in lieu of paper forms is voluntary at this time.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the proposed regulations will not change the level of commercial fishing activity in the state.

As mentioned in the Informative Digest/Policy Statement Overview above, the proposed regulations will improve the quality of reporting requirements, as well as facilitate the submitting of reporting data, by allowing modern computer and internet technology methods as another means of submitting data to the Department.

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.



- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

#### Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

#### Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

#### FISH AND GAME COMMISSION

Michael Yaun  
Acting Executive Director

Dated: February 16, 2016



## Golden Gate National Recreation Area

The Golden Gate National Recreation Area (GGNRA), a unit of the National Park Service (NPS), has prepared an Environmental Assessment (EA) pursuant to the National Environmental Policy Act for a Pacific Gas and Electric Company (PG&E) natural gas pipeline replacement project in the San Francisco Peninsula Watershed (San Mateo County). The San Francisco Planning Department prepared a Mitigated Negative Determination pursuant to the California Environmental Quality Act (CEQA) for the same project. The NPS has two easements over the entire area (23,000 acres) of the Watershed, including the area of the proposed project - a Scenic Easement and a Scenic and Recreation Easement. As the easement holder, NPS has concurrence/approval authority for construction projects within the easements.

**Purpose and Need for the Project:** The project would enhance safety and improve operations of PG&E's natural gas transmission system including, pipeline modernization, valve automation, pipeline records integration, and interim safety enhancement measures. The project is required by the California Pipeline Safety Improvement Act of 2002, the 2011 California Public Utilities Commission Decision No. 11-06-017, and under 49 CFR Part 192 - Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards. In order to comply with state law and federal regulations identified above, PG&E is proposing to replace three segments of its gas transmission line 109 (L- 109). PG&E is also proposing temporary construction easements to accomplish the work and expanded permanent easements for future maintenance of the improved system.

**Environmental Review:** The EA has been prepared in accordance with the National Environmental Policy Act of 1969 and regulations of the Council on Environmental Quality (40 CFR 1508.9), the 2006 NPS Management Policies, and the NPS Director's Order-12. This assessment evaluates the potential effects of the project on the environment, including effects on natural, cultural, and visual resources, and visitor use and experience. Mitigation measures have been identified to avoid or reduce any adverse environmental effects from this project. We invite you to review the document and provide feedback by **March 28, 2016** either online at: <http://parkplanning.nps.gov/pgepipeline>, or by mail to:

Superintendent  
Golden Gate National Recreation  
Area Attn: PG&E L-109 Project  
Fort Mason, Building 201  
San Francisco, CA 94123

As noted above, a Mitigated Negative Determination pursuant to CEQA has been completed for the same project. Comments submitted to the SF Planning Department were considered by GGNRA in preparation of this EA, so it will not be necessary to resubmit comments that were originally submitted to SF Planning. For more information e-mail: [goga\\_planning@nps.gov](mailto:goga_planning@nps.gov) or call 415-561-4700.

# NOTICE OF TENTATIVE APPROVAL OF APPLICATION FOR A PERSONAL WIRELESS SERVICE FACILITY SITE PERMIT



2/19/2016

Public Works has tentatively approved the Application No. 15WR-0273 submitted by Verizon Wireless for a Personal Wireless Service Facility Site Permit in the vicinity of 671 Harrison Street. The approval contains certain conditions that are attached to this letter. These conditions may be modified prior to the issuance of a Personal Wireless Service Facility Site Permit at this location.

Edwin M. Lee  
Mayor

If approved, Verizon Wireless may install the permitted Personal Wireless Service Facility at this location. A photo-simulation of the proposed Personal Wireless Service Facility is attached hereto.

Mohammed Nuru  
Director

Pursuant to San Francisco Public Works Code § 1513, you have 20 days from the later of the date on this notice or the postmark to protest the Application.

Jerry Sanguinetti  
Manager

Street Use and Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel 415-554-5810

To submit a protest of/or comments on the Application please visit the Public Works website at the following address: [bsm.sfdpw.org](http://bsm.sfdpw.org) and click "Comment on Permit" and enter "15WR-0273" or send to the following address:

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

San Francisco Public Works  
Bureau of Street-use and Mapping  
1155 Market Street  
San Francisco, CA 94103  
Attn: Wireless Permit Protests

If a timely protest is submitted, Public Works will hold a public hearing to determine whether to grant the Application. Public Works will notify you at a later date of the date and time for the hearing.

The protest must be based on one or more of the following grounds:

1. The Department of Public Health incorrectly determined that the Application complies with the Public Health Compliance Standard (see Public Works Code § 1507).
2. The Planning Department incorrectly determined that the Application meets the applicable Compatibility Standard (see Public Works Code § 1509).
3. The Application does not comply with any other requirement for obtaining a Personal Wireless Service Facility Site Permit.
4. The Applicant intends to modify the Personal Wireless Service Facility after the Permit is issued in a manner that would not comply with the applicable Compatibility Standard.

If the proposed location for the Personal Wireless Service Facility is in a residential or neighborhood commercial zoning district your protest may include a claim that the proposed Personal Wireless Service Facility obstructs the views from or blocks the light into any adjacent residential windows. (See Public Works Code § 1509(b)(2).) If your protest contains such a claim, please include with your protest photographs depicting the potential obstruction of the views from or the blocking of the light into your windows so that the Planning Department and/or hearing officer can evaluate this aspect of your protest. The Planning Department may contact you to ask permission to enter into your residence to investigate your claim. If the Planning Department or hearing officer agrees with your concerns, the City may add certain conditions to its approval of the Application to ameliorate those concerns.

The Applicant does not know at this time whether it will file an Application for a permit to modify the proposed Personal Wireless Service Facility at any time during the term of the Personal Wireless Service Facility Site Permit.

In order to receive correspondence from Public Works, the Applicant, and other interested parties please include with your protest all of the following information: Street address, daytime telephone number, and email address (if available).

To obtain additional information concerning the Application, the tentative approval, or the protest you may contact Kevin Bowyer of Verizon at (408) 219-5442 or [Kbowyer@modus-corp.com](mailto:Kbowyer@modus-corp.com). You may also contact Amanda Higgins of Public Works at (415) 554-5343.

For more information on Personal Wireless Service Facilities generally you can also visit [www.sf-planning.org/wireless](http://www.sf-planning.org/wireless).

*Amanda Higgins*

Public Works Wireless Program

bottom of each radio relay unit and the bottom of the corresponding entry hole on the pole. Conduit connection at pole entry points shall utilize the smallest fitting sizes available. Sealing compounds, if utilized, shall be tidy without excess bubbling and painted to match pole.

5. Remove raised equipment signage (including filling in manufacturer logo indentations on radio relay units/cabinets) and equipment decals that may be visible from sidewalk and dwellings, unless required by government regulation.
6. Utilize smallest RF warning signage allowed (4 x 6 inches); and place the warning sticker facing out toward street, at a location as close to antenna as is feasible. Sticker shall face away from street, when not facing a nearby window within 15 feet. Background color of sticker shall match the pole-mounting surface; and logo and text shall be white.
7. Stack equipment enclosures (not including antenna) as close as allowed by applicable regulation and manufacturer equipment standards.
8. Seams and bolts/screws at antenna and shroud assembly area shall be fabricated and installed in a manner so as to reduce their visibility (e.g. flush mounting screws) from sidewalk level.
9. Not utilize any visible flashing indicator lights or similar.
10. New below ground enclosure excavations (vault), if utilized, shall not damage or remove granite curbs. No significant gaps shall be created between vault enclosure lid and primary sidewalk material due to installation. Any other existing historic architectural elements within the public right-of-way shall be retained and protected during installation. No carrier logo or carrier name may be placed on the vault lid.
11. Non-essential radio relay unit elements (handle and legs) shall be removed.
12. The installer shall arrange to have Planning Department staff review the initial installation, in order to ensure compliance with the aforementioned conditions (notwithstanding inspections by pole owner and Department of Public Works).

## PERMIT CONDITIONS

Approval of the proposed Personal Wireless Service Facility Site Permit has been recommended by San Francisco Public Works (Bureau of Street-Use and Mapping), San Francisco Department of Public Health, San Francisco Planning Department.

The tentative approval includes the following condition(s) that have been accepted by Applicant:

### San Francisco Public Works Conditions:

1. This recommendation is based on no variation from the depicted drawings and/or photo simulation; if a variation is different a re-submittal is required. Should the installation vary from said conditions, it should be resubmitted to Department(s) for further review and comment
2. New Poles: no new poles shall be erected or placed in underground districts.
3. Down Guys: Follow all excavation codes to obtain the necessary permits for placement of down guys. Down guy shall avoid crossing conflicting areas but not limited to driveways, curb ramps.
4. Comply with ADA code requirements for Federal, State, local laws. Make sure path of minimum required clear width for accessible path of travel is four feet.
5. At the conclusion of the work, provide a set of as built photos of the installation to the Bureau Street Use & Mapping Permit Office.
6. Maintain a valid certification of insurance annually and forward a copy to the Bureau Street Use & Mapping Permit Office.

### San Francisco Department of Public Health Conditions:

1. None of the equipment being installed should produce any noise. However, ensure that any equipment associated with the pole installation of this antenna does not produce a noise in excess of 45 dBA as measured at three (3) feet from the nearest residential building façade.
2. Ensure that there are no publicly occupied areas within 6 1/2 feet of the face of the antenna in the general direction of its orientation. This distance does not apply to any structures which are not located in the direction of the antennas orientation.
3. Once the antenna is installed, Verizon must take RF power density measurements with the antenna operating at full power to verify the level reported in the Hammett and Edison report and to ensure that the FCC public exposure level is not exceeded in any publicly accessible area. This measurement must be taken again at the time of the permit renewal.
4. Verizon should be aware that the general public may have concerns about the antenna and potential RF source near their dwellings. Verizon should have in place a mechanism for taking RF power density levels in nearby dwellings when requested by the members of the general public.
5. In accordance with the San Francisco Public Works Code, Art. 25, Sec. 1527 (a)(2)(C) Verizon is responsible for paying a fee of \$181.00 to the San Francisco Department of Public Health for this review.
6. Please note that this approval and any conditions apply only to the equipment and installation as described. If any changes in the equipment or any increase in the effective radiated power described above are made, a new review by the Department of Public Health must be conducted.

### San Francisco Planning Department Conditions:

1. Plant and maintain an appropriate street tree.
2. No exposed meter, meter pan or meter pedestal may be used.
3. Antenna, and all equipment (external conduit, radio relay units, blinders used to shroud bracket bolts [if needed for offset brackets], and mounting mechanisms); except signage, if used for screening, shall all be painted to match the pole and repainted as needed.
4. Cabling below radio relay units shall enter the pole with no more than a five-inch gap between

EXISTING



PROPOSED



PRECISION DESIGN  
& Drafting, INC.  
Phone: (530) 823-8546  
11768 Atwood Rd, Suite 20 Auburn, CA 95603

PROJECT: SC39

PROJECT ADDRESS: ROW ADJACENT TO 671 HARRISON STREET, SAN FRANCISCO, CA 94107

PHOTO SIMULATION VIEW: LOOKING EAST FROM 3RD STREET

PREPARED ON 3-25-15



Edwin M. Lee  
Mayor

Mohammed Nuru  
Director

Jerry Sanguinetti  
Manager

Street Use and Mapping  
1155 Market St., 3rd floor  
San Francisco, CA 94103  
tel 415-554-5810

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

**English:**

If you need assistance in interpreting this notification, please contact SF311 by calling 3-1-1 (within San Francisco) or at (415) 701-2311 (if outside of San Francisco).

**Spanish:**

Si usted necesita ayuda en la interpretación de esta notificación, por favor ponerse en contacto con SF311 marcando el número 3-1-1 (si está en San Francisco) o al (415) 701-2311 (si está fuera de San Francisco).

**Chinese:**

如果您需要協助翻譯此通知的內容，請致電聯繫SF311，在舊金山內請致電3-1-1或（415）701-2311（如果舊金山以外）。

**Filipino:**

Kung kailangan ninyo ng tulong sa pag-unawa sa kahulugan ng abisong ito, mangyaring makipag-ugnayan sa SF311 sa pamamagitan ng pagtawag sa 3-1-1 (kung sa loob ng San Francisco) o sa (415) 701-2311 (kung sa labas ng San Francisco).



02/19/2016

Obras Públicas ha aprobado provisionalmente la solicitud N° 15WR-0273 presentado por Verizon Inalámbrico de alojamiento Zona de servicio inalámbrico personal permiso en el entorno de 671 Harrison Calle. La aprobación contiene ciertas condiciones que se adjuntan a la presente carta. Estas condiciones pueden modificarse antes de la emisión de un alojamiento Zona Servicios Móviles Personales Permitir en este lugar.

Si se aprueba, Verizon Wireless puede instalar el Centro de Servicio de Telefonía Móvil Personal permitida en esta ubicación. Una foto en la simulación del Fondo para el Servicio de Telefonía Móvil Personal propuesto es adjunto.

De conformidad con el Código de San Francisco de Obras Públicas § 1513, usted tiene 20 días a partir de la última de las fecha en este aviso o el matasellos para protestar por la Aplicación.

Para presentar una protesta de / o comentarios sobre la aplicación, visite el sitio web de Obras Públicas en la siguiente dirección: [bsm.sfdpw.org](http://bsm.sfdpw.org) y haga clic en "Comentario sobre Permiso" y escriba "15WR-0273" o envíe a la siguiente dirección:

Obras Públicas San Francisco  
Oficina de la calle de usar y Cartografía  
1155 Market Street  
San Francisco, CA 94103  
A la atención de: Protestas Permiso Wireless

Si se presenta una protesta oportuna, Obras Públicas llevará a cabo una audiencia pública para determinar si se concede la Solicitud. Obras Públicas le notificarán en una fecha posterior a la fecha y hora para la audiencia.

La protesta debe basarse en uno o más de los siguientes motivos:

1.

El Departamento de Salud Pública determinó incorrectamente que la solicitud cumple con el público Estándar de Vigilancia en Salud (véase el Código de Obras Públicas § 1507).

2.

El Departamento de Planificación determina incorrectamente que la solicitud cumple los Compatibilidad aplicable Estándar (véase Código de Obras Públicas § 1509).

3.

La solicitud no cumpla con cualquier otro requisito para la obtención de un servicio personal inalámbrica Permiso de instalación del sitio.

4.

El solicitante tiene la intención de modificar el Fondo para el Servicio de Telefonía Móvil Personal después de que el permiso se emite en una

de manera que no cumplan con la Norma de compatibilidad aplicable.

Si la ubicación propuesta para el Fondo para el Servicio de Telefonía Móvil Personal se encuentra en una zona residencial o comercial

distrito de zonificación su protesta puede incluir una afirmación de que el Fondo para el Servicio de Telefonía Móvil Personal obstruye la propuesta

vistas desde o bloquea la luz en todas las ventanas residenciales adyacentes. (Ver Código de Obras Públicas § 1509 (b) (2)). Si

su protesta contiene una reclamación, por favor incluya con sus fotografías de protesta que representa el potencial

obstrucción de las vistas desde o el bloqueo de la luz en las ventanas de modo que el

Departamento de Planificación y / o oficial de la audiencia pueden evaluar este aspecto de su protesta. El Departamento de Planificación

puede ponerse en contacto con usted para pedir permiso para entrar en su residencia para investigar su reclamo. Si la Planificación

Departamento o de la audiencia está de acuerdo con sus preocupaciones, la Ciudad puede añadir ciertas condiciones para su aprobación

la solicitud destinado a mejorar esas preocupaciones.

El solicitante no sabe en este momento si va a presentar una Solicitud de permiso para modificar la propuesta

Establecimiento de Servicio Inalámbrico personal en cualquier momento durante la vigencia del Fondo para el sitio personal de Servicios Inalámbricos permiso.

Con el fin de recibir correspondencia de Obras Públicas, el solicitante, y otras partes interesadas por favor incluya

con toda la información siguiente a su protesta: dirección, número de teléfono durante el día, y la dirección de correo electrónico (si está disponible).

Para obtener información adicional relativa a la solicitud, la aprobación provisional, o la protesta que puede

Kbowyer@modus-corp.com.

2016/02/19

Public Works ay pansamantalang inaprubahan ang Application No. 15WR-0273 na isinumite sa pamamagitan ng Verizon Wireless para sa isang Personal Wireless Service Facility Site Permit sa paligid ng 671 Harrison Kalye. approval ay naglalaman ng ilang mga kundisyon na ay nakalakup sa sulat na ito. mga ito kondisyon ay maaaring baguhin bago ang pagpapalabas ng isang Personal Wireless Service Facility Site Permit sa lokasyong ito.

Kung naaprubahan, Verizon Wireless ay maaaring i-install ang pinahihintulutan Personal Wireless Service Facility sa ito na lokasyon. A photo-simulation sa ipinanukalang Personal Wireless Service Facility ay kalakip dito.

Alinsunod sa San Francisco Public Works Code § 1513, mayroon kang 20 araw mula sa ibang pagkakataon sa mga date sa paunawang ito o ang tatak-koreo upang tutulan ang Application.

Upang magsumite ng pagtutol ng / o mga komento sa mga Application pakibisita ang Public Works website sa sumusunod na address: [bsm.sfdpw.org](http://bsm.sfdpw.org) at iklik ang "Comment on Permit" at ipasok ang "15WR-0273 "o ipadala sa sumusunod na address:

San Francisco Public Works  
Bureau of Street-gamitin at Mapping  
1155 Market Street  
San Francisco, CA 94103  
Attn: Wireless Permit Protesta

Kung ang isang napapanahong protest ay isinumite, Public Works ay humawak ng isang pampublikong pagdinig upang matukoy kung upang bigyan ng

Application. Public Works Aabisuhan ka sa ibang araw mula sa petsa at oras para sa pagdinig.

protesta ay dapat na batay sa isa o higit pa sa mga sumusunod na dahilan:

1. Ang Department of Public Health mali tinutukoy na ang Application ay sumusunod sa mga Public Health Compliance Standard (tingnan Public Works Code § 1507).

2.

Ang Planning Department mali tinutukoy na ang Application ay nakakatugon sa mga naaangkop Compatibility Standard (tingnan Public Works Code § 1509).

3. Application ay hindi sumunod sa anumang iba pang mga kinakailangan para sa pagkuha ng isang Service Personal Wireless Pasilidad Site Permit.

4. Ang Aplikante nagnanais na baguhin ang mga pasilidad Personal Wireless Serbisyo pagkatapos ng Permit ay ibinibigay sa isang paraan na hindi sumunod sa mga naaangkop Compatibility Standard.

Kung ang mga iminungkahing lokasyon para sa Pasilidad Personal Wireless Serbisyo ay sa isang residential o kapitbahayan commercial

zoning district iyong protest ay maaaring magsama ng isang paghahabol na ang mga iminungkahing Personal Wireless Service Facility obstructs ang

tanawin mula o mga bloke ng liwanag sa anumang katabing residential bintana. (Tingnan Public Works Code § 1509 (b) (2).) Kung

iyong protest naglalaman tulad ng isang claim, mangyaring isama sa iyong mga larawan protest naglalarawan ng mga potensyal na

bara ng tanawin mula o ang pag-block ng mga ilaw sa iyong mga bintana upang ang mga

Planning Department at / o hearing officer ay maaaring suriin ito aspeto ng iyong protesta. Ang Planning Department

maaaring makipag-ugnayan sa iyo upang humingi ng pahintulot na pumasok sa inyong tirahan upang siyasatin ang iyong claim. Kung ang Planning

Department o opisyal sa pagdinig ay sumang-ayon sa iyong mga alalahanin, ang Lungsod ay maaaring magdagdag ng ilang mga kundisyon sa kanyang pag-apruba ng Application upang magpaunlad mga alalahanin.

Aplikante ay hindi alam sa ngayon kung ito-file ng isang Application para sa isang permit upang baguhin ang ipinanukalang

Personal Wireless Service Facility sa anumang oras sa panahon ng termino ng Personal Wireless Service Facility Site Permit.

Upang makatanggap ng sulat mula sa Public Works, ang Aplikante, at iba pang interesadong partido pakisama

sa iyong protest lahat ng mga sumusunod na impormasyon: Street address, daytime numero ng telepono, at email address

(kung bakante).

Upang makakuha ng karagdagang impormasyon tungkol sa Application, ang pansamantalang pag-apruba, o ang may pasubali maaari kang

Kbowyer@modus-corp.com.

2016年2月19日

公共工程已初步批准提交的Verizon公司的申请15WR-0273

无线的个人无线服务设施本站允许在671哈里森附近

街。批准包含了所有连接到这封信一定的条件。这些

条件可能前已发行个人无线服务设施网站被修改

允许在这个位置。

如果获得批准，Verizon无线可能会安装允许的个人无线服务设施在

此位置。所提出的个人无线服务设施的照片，仿真

附后。

根据旧金山公共工程代码§1513年您有20天以后的

日期此通知或抗议申请邮戳。

要提交的抗议/或评论上的应用程序，请访问公共工程网站

在以下地址：[bsm.sfdpw.org](http://bsm.sfdpw.org)并点击“评点许可证”，进入“15WR-

0273“或发送至以下地址：

旧金山公共工程

街使用和测绘局

1155市场街

旧金山，CA 94103

联系人：无线许可证抗议

如果抗议及时提交，公共工程将举行公开听证会，以确定是否准予

应用。公共工程将在日期和时间将开庭情况日后通知您。

抗议必须基于一种或多种下述的理由：

1。

公共卫生部不正确地确定应用程序的符合公共

健康符合标准（请参阅公共工程代码§1507）。

2。

规划署错误地确定应用程序符合适用的兼容性  
标准（见公共工程代码§1509）。

3。

应用程序不符合任何其他要求获取个人无线服务  
设施用地许可证。

4。

申请人拟许可证是在发出后修改个人无线服务设施  
方式不符合适用的兼容性标准。

如果个人无线服务设施建议的位置是在住宅或商业街区  
分区，分区的抗议可能包括索赔所提出的个人无线服务设施阻碍  
从意见或阻止光线进入任何相邻住宅的窗户。（请参见公共工程代码§1509（B）（2））。如果  
您的抗议包含了这样的说法，请在您的抗议照片描绘的潜力  
从次阻塞或光的阻挡插入窗口，使得  
规划署及/或听证官员可以评估你的抗议的这一方面。规划署  
可能会与您联系，请求允许进入你的住所调查您的投诉。如果规划  
部门或听证官与您的顾虑同意，市可能会增加某些条件的批准  
应用程序以减轻这些问题。

1 申请人不知道此时是否会提出申请的许可证修改建议  
个人无线服务设施用地许可证有效期内随时个人无线服务设施。

为了从公共工程，申请人和其他有关各方收发信件请注明  
与你的抗议所有以下信息：街道地址，日间电话号码和电子邮件地址  
（如果可供使用的话）。  
要获取有关应用程序的更多信息，暂定审批，或抗议你可能

Kbowyer@modus-corp.com

File 160169

**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** File 160169 (review of sanctuary policies)  
**Attachments:** 20160304131221057.pdf

**From:** Major, Erica (BOS)  
**Sent:** Friday, March 04, 2016 4:52 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** C-Page and BOS Distribution

Greetings,

Please add the attached to the c-pages and submit for full Board distribution.

Best,

**Erica Major**  
**Assistant Committee Clerk**  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244  
San Francisco, CA 94102  
Phone: (415) 554-4441 | Fax: (415) 554-5163  
[Erica.Major@sfgov.org](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://www.sfbos.org)



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

**Disclosures:** Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

# SAN FRANCISCO PUBLIC DEFENDER

JEFF ADACHI – PUBLIC DEFENDER  
MATT GONZALEZ – CHIEF ATTORNEY



March 3, 2016

Board of Supervisors  
City and County of San Francisco  
1 Dr Carlton B Goodlett Pl #244  
San Francisco, CA 94102

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2016 MAR -4 PM 1:12

**Re: File No. 160169 (review of sanctuary policies)**

To the Board of Supervisors,

As San Francisco's Public Defender, I am pleased to participate in a city-wide compliance review of sanctuary policies. My office regularly represents non-citizens who are accused of crimes, who often face the dual prospect of criminal sanction and deportation if found guilty of the alleged offense. I have witnessed first-hand how police/immigration collaboration programs have undermined safety and sabotaged efforts both to defend innocent people wrongly accused of crimes and to rehabilitate people with longstanding ties to the community who, like many of us, may have made mistakes.

The following evaluation also includes some recommendations, which are designed to help this great city further the goals of sanctuary policies—to promote public safety and ensure an environment of tolerance and inclusion for the city's many foreign born residents.

## **Purpose of Sanctuary laws**

The core purpose of San Francisco's sanctuary policies is to promote public safety, so non-citizen crime victims are not dissuaded from reporting crimes to the police out of fear of deportation.<sup>1</sup> Virtually every major U.S. city has a sanctuary policy, and these policies have overwhelming support among law enforcement in virtually major urban area in the United States.<sup>2</sup> Since San Francisco has a large foreign born population

<sup>1</sup> See generally *Immigration Sanctuary Policies: Constitutional and Representative of Good Policing and Good Public Policy*, Bill Hing, UC Irvine Law Review, 2 UC Irvine L. Rev. 247, 300 (Feb. 2012)

<sup>2</sup> There are approximately 340 "Sanctuary Cities" in the United States. See *The great sanctuary slander*, NYT Editorial, Oct. 15, 2015, available at: [http://www.nytimes.com/2015/10/17/opinion/the-great-sanctuary-city-slander.html?\\_r=0](http://www.nytimes.com/2015/10/17/opinion/the-great-sanctuary-city-slander.html?_r=0); See also October 15, 2015 Letter to Congress (opposing federal legislation designed to "defund" sanctuary cities), authored by twenty five Police Chiefs from major cities, available at:



(approximately 35% of its residents) is crucially important for San Francisco to maintain polices which will ensure that immigrant crime victims do not fear going to the police.<sup>3</sup>

### **No correlation between public safety and police/immigration collaboration**

Federal police/immigration collaboration programs do not promote public safety. According to a recent study conducted by law professors at NYU and the University of Chicago Law School, increased cooperation between local police and immigration had “no observable effect” on crime rates.<sup>4</sup> This comprehensive study found that the “Secure Communities Program”—a federal program which required local law enforcement to transfer undocumented detainees to ICE for deportation—did not improve crime rates. Similarly, it is well established that there is no correlation between increased immigration and increased crimes. In fact, studies suggest the opposite—as immigrants are underrepresented in California’s jails and prisons (representing 35% of the population, but only 17% of people in prison).<sup>5</sup>

### **San Francisco’s administrative provisions limiting cooperation in immigration enforcement**

SF Administrative Code sections 12H and 12I are the core sanctuary rules in San Francisco. Section 12H(1-2) forbids city employees from using city resources to assist federal immigration authorities, subject to some exceptions.<sup>6</sup> Section 12H.3 requires appointing officers to provide written directives for implementing sanctuary rules, and requires discipline against employees who fail to comply. Section 12I forbids city

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[http://immigrationforum.org/wp-content/uploads/2015/10/10\\_15\\_2015-LEITF-Letter-to-Senate-on-Sanctuary-Cities-Legislation.pdf](http://immigrationforum.org/wp-content/uploads/2015/10/10_15_2015-LEITF-Letter-to-Senate-on-Sanctuary-Cities-Legislation.pdf)

<sup>3</sup> See SF Census Data, available at <http://www.census.gov/quickfacts/table/PST045215/06075>

<sup>4</sup> See Adam Cox, Thomas J. Miles, *Immigration Enforcement and Crime Control: A Study of Secure Communities*, *Journal of Law & Economics*, 57 J.L. & Econ. 937 (Nov. 2014), (stating: . . . “[T]he Secure Communities program has had no observable effect on the overall crime rate.”).

<sup>5</sup> See Kristin F. Butcher and Anne Morrison Piehl, *Crime, Corrections, and California: What Does Immigration Have to Do with It?*, Public Policy Institute, Feb. 2008, available at: <http://www.ppic.org/main/publication.asp?i=776> (stating: “[t]he U.S.-born are 10 times more likely than the foreign-born to be in jail or prison. Even among noncitizen men from Mexico ages 18-40 – a group disproportionately likely to have entered the United States illegally – the authors find very low rates of institutionalization.”)

<sup>6</sup> See SF Administrative Code 12H and 12I, available at: [http://library.amlegal.com/nxt/gateway.dll/California/police/policecode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$sync=1](http://library.amlegal.com/nxt/gateway.dll/California/police/policecode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1)

employees from honoring a civil immigration detainer unless an individual has had serious criminal history.

Sanctuary policies in San Francisco have evolved over the last several decades. More recently, due to both a dramatic increase in the number of deportations, and increased collusion between federal and local authorities—San Francisco has taken stronger steps to prevent automatic transfers of immigrant detainees for deportation. In November, 2013, the SF Board of Supervisor enacted the Due Process for All Ordinance, which placed strict limits on the ability to hold a non-citizen in custody pursuant to a request (or detainer) from immigration authorities. The Ordinance also requires the Sheriff and Juvenile Probation Departments to provide a written annual report to the Board of Supervisors addressing sanctuary issues.<sup>7</sup>

### **Ongoing compliance issues and recommendations**

#### **1) The case of Pedro Figueroa: recognizing the difference between civil and criminal warrants.**

**The problem:** The Sheriff's Department's "Central Warrants Bureau" was unable to quickly distinguish between an enforceable criminal warrant and an unenforceable civil immigration warrant, leading to the illegal detention and immigration arrest of Pedro Figueroa. A rogue police officer appeared to have called ICE and assisted in a civil immigration matter against written policy.<sup>8</sup>

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<sup>7</sup> SF Admin Code 12L5.

<sup>8</sup> Unlike a warrant signed by a judge, immigration orders are civil orders which carry no power to compel a local law enforcement officer to act—even if ICE labels the request as a "warrant." See generally *Immigration Enforcement Authority for Local Law Enforcement Agents*, ILRC (Nov. 2014), available at: [http://www.ilrc.org/files/documents/lea\\_immig\\_faqs\\_20150318.pdf](http://www.ilrc.org/files/documents/lea_immig_faqs_20150318.pdf); see also 8 C.F.R. § 287.5, 241.2; *Coolidge v. New Hampshire*, 403 U.S. 443, 453 (1971) (where search warrant was not issued by "the neutral and detached magistrate required by the Constitution, the search stands on no firmer ground than if there had been no warrant at all"); *El Badrawi v. Dept. of Homeland Sec.*, 579 F. Supp. 2d 249, 275–76 (D. Conn. 2008) (arrest pursuant to administrative warrant was "warrantless"); *El Badrawi v. United States*, 787 F. Supp. 2d 204, 230 & n.17 (D. Conn. 2011) (granting summary judgment on false arrest claim to plaintiff who had been subject of administrative warrant); *United States v. Toledo*, 615 F. Supp. 2d 453, 455, 459–60 (S.D. W. Va. 2009); *United States v. Toledo*, 615 F. Supp. 2d 453, 455, 457 n.2 (S.D. W. Va. 2009) (an administrative warrant in the file did not mean that local officers had authority to arrest)

**What happened:** On December 5, 2015, Pedro Figueroa, a former client of the SF Public Defender's Office, entered the SF Police Department headquarters at Mission Bay to retrieve his stolen car. But when he provided his name and identification, police conducted a background check. There was a hit in the National Crime Information Center (NCIC) database, which the Central Warrants Bureau from the Sheriff's Department confirmed.<sup>9</sup> The Police officer called immigration authorities, then placed Mr. Figueroa in handcuffs and interrogated him about his immigration status. After several minutes, the Sheriff confirmed the warrant was a civil and not a criminal warrant, and Mr. Figueroa was released from police custody—but outside, ICE agents were there to place him under arrest and process him for deportation.

**The solution:** The Sheriff's Department must take steps to ensure a clear process of recognizing the difference between an unenforceable civil warrant, and an enforceable criminal warrant. There should be no confusion between the two types of "warrants." And, the police department should ensure that any officer who egregiously violates internal immigration rules and protocols are subject to discipline, up to and including termination.

**2) Correcting Outdated Language—12H2-1 "felony exception" is no longer relevant:**

**The problem:** The SF Sanctuary Ordinance, section 12H-2-1, wrongly implies that law enforcement is permitted to cooperate with immigration authorities if any person is "booked" on a felony. There needs to be a language change to ensure 12H-2 is harmonized with current practices and, at a minimum, the restrictions stated in SF Administrative Code section 12I-3, which permits cooperation only where an individual has serious criminal history.

**What has happened:** For years, the SF Administrative Code permitted collusion between the law enforcement and immigration if a non-citizen was merely "booked" on—but not convicted of—a felony. This provision is now known as the "felony exception" to the Sanctuary Ordinance. But the felony exception undermined the public's trust in law enforcement, as countless non-citizens were transferred to immigration from the SF Jail even though they were completely innocent of criminal conduct, including numerous domestic violence survivors who were falsely accused

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<sup>9</sup> In 2002, the NCIC began to include immigration warrants into its national warrant database. See Major Cities Chiefs Immigration Committee, Recommendations for Enforcement of Immigration Laws by Local Police Agencies, 2006, at p. 10, available at: [http://www.houstontx.gov/police/pdfs/mcc\\_position.pdf](http://www.houstontx.gov/police/pdfs/mcc_position.pdf).

of a crime.<sup>10</sup> The “felony exception” language is now inconsistent with the spirit and purpose of the Sanctuary Ordinance. It is also inconsistent with the Sheriff Department’s actual practices, which prohibit immigration officers from entering the jails, and prevent the detention of non-citizens for purely immigration purposes.

**The solution:** The Board of Supervisors should clean up the “felony exception” language to reflect actual current practices, and harmonize the felony exception with the restrictions set forth in SF Admin. Code section 12I.3.

### **3) ICE interference with San Francisco criminal proceedings.**

**The problem:** Immigration authorities have arrested non-citizen public defender clients while they have pending criminal matters, and before the resolution of their case. This practice has caused confusion in the Courts, and has led some judges to issue bench warrants against the non-citizen.

**What has happened:** Since May, 2015, at least four SF Public Defender clients were arrested by immigration authorities, placed in indefinite immigration detention, and ordered to appear in detained immigration court for removal proceedings. Immigration authorities receive notice of individuals arrested on a crime because of mandatory fingerprint sharing technology. It is unclear, though, how immigration authorities are locating non-citizen clients, as most of the immigration arrests have taken place at the non-citizen’s home. In one case, an non-citizen father and family bread winner who has lived in the United States for more than 20 years, was arrested for a DUI—the first such arrest in his life. During his criminal case, immigration authorities somehow discovered where he lived, went to his home, placed him under arrest, and processed him for deportation. Luckily, he sought help from our office, who took on both his criminal and deportation case. Since he was not intoxicated at the time of his arrest, he pled guilty to a non-alcohol related driving infraction—but his deportation case remains pending. It is unclear how immigration authorities discovered his address.

**The solution:** The SF Board of Supervisors should declare that immigration authorities should not target for immigration arrest any individual with a pending criminal matter.

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<sup>10</sup> See Lee Romney, Noncriminals swept up in federal deportation program, LA Times (April 25, 2011), available at: <http://articles.latimes.com/2011/apr/25/local/la-me-secure-communities-20110425>

4) **Adult Probation Department—Ensuring compliance with sanctuary laws.**

**The problem:** It is unclear whether the Adult Probation Department has adopted sanctuary policies consistent with the newly enacted Due Process for All Ordinance from November, 2013.


**What has happened:** the Adult Probation Department is responsible for monitoring and supervising individuals who are on probation, or subject to an alternative disposition, as a result of a criminal case. Probation officers regularly meet with defendants and draft reports for a court's review about an individual's compliance with probation conditions. APD initially drafted a sanctuary policy, as it is required to do under SF Admin Code 12H-3, but it is unclear whether the policy was finalized, and if so, what the policy says.

**The Solution:** The Adult Probation Department should finalize its sanctuary policies so it is consistent with the Due Process for All Ordinance. It is unclear whether the Adult Probation Department has adopted an internal sanctuary type policy, nor is it clear whether individual probation officers have authority to contact immigration authorities.

**Conclusion—San Francisco must maintain robust policies ensuring the separation between police and immigration.**

When San Francisco participated in police/immigration deportation schemes, such as the now discredited "Secure Communities" program, the results were disastrous for immigrant communities. The program led to the denial of due process and ultimate deportation thousands of hard working San Franciscans, separating families, and causing economic devastation in working class communities. San Francisco should not go backwards on sanctuary policies, and instead should work to vigilantly assure to our city's non-citizen population that San Francisco is a city for all.

Very Truly Yours,



Jeff Adachi, Public Defender  
City and County of San Francisco

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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: CPUC Notification - Verizon Wireless - Army Mission Relo  
**Attachments:** CPUC Notification - Verizon - Army Mission Relo .pdf

**From:** West Area CPUC [mailto:WestAreaCPUC@VerizonWireless.com]

**Sent:** Friday, March 04, 2016 4:35 PM

**To:** Masry, Omar (CPC) <omar.masry@sfgov.org>; Administrator, City (ADM) <city.administrator@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

**Cc:** West Area CPUC <WestAreaCPUC@VerizonWireless.com>

**Subject:** CPUC Notification - Verizon Wireless - Army Mission Relo

This is to provide your agency with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC"). This notice is being provided pursuant to Section IV.C.2.

If you prefer to receive these notices by US Mail, please reply to this email stating your jurisdiction's preference.

Thank You

18



March 4, 2016

Ms. Anna Hom  
**Consumer Protection and Safety Division**  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
[alh@cpuc.ca.gov](mailto:alh@cpuc.ca.gov)

RE: Notification Letter for Army Mission Relo  
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

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This is to provide the Commission with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact the representative below.

Sincerely,

Ruth L. Concepcion  
West Territory Real Estate  
15505 Sand Canyon Avenue, Irvine, CA 92618  
[WestAreaCPUC@VerizonWireless.com](mailto:WestAreaCPUC@VerizonWireless.com)

# CPUC Attachment A



Site Name	Army Mission Relo
Legal Entity	GTE Mobilnet of California Limited Partnership
Type of Project	Initial Build (new presence for VZW)
Street Address of Site	3120 Mission St.
Site Location City	San Francisco
Site Location Zip Code	94110
Site Location County	San Francisco
Site Location APN Number	6574-001A

Site Coordinates-Antenna			
	Degrees	Minutes	Seconds
Latitude	37	44	51.57
Longitude	122	25	9.99
NAD 83			

Brief Description of Project	Installation of new equipment platform on rooftop. Installation of new equipment cabinets & step down transformer on platform. Installation of 12 panel antennas, 2 GPS antennas, 12 RRUs on rooftop behind FRP screenings with associated cables. Installation of 100A 277/480V power meter/main @ basement, emergency generator receptacle @ ground level and associated utility runs through (E) building to lease area.
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Number & type of Antennas / Dishes	12 panels and 2 GPS antennas
Tower Design	Rooftop
Tower Appearance	NA
Tower Height (in feet)	NA
Size of Building or NA	41' AGL

Planning Director (or equivalent)	Wireless Planner
Contact 1 Email Address	<a href="mailto:omar.masry@sfgov.org">omar.masry@sfgov.org</a>
Contact 1 Agency Name	City of San Francisco
Contact 1 Street Address	1660 Mission St., 4th Floor
Contact 1 City, State ZIP	San Francisco, CA 94103

City Manager (or equivalent)	City Administrator
Contact 2 Email Address	<a href="mailto:city.administrator@sfgov.org">city.administrator@sfgov.org</a>
Contact 2 Agency Name	City of San Francisco
Contact 2 Street Address	1 Dr. Carlton B. Goodlett Place
Contact 2 City, State ZIP	San Francisco, CA 94102

City Clerk (or equivalent)	Clerk of the Board
Contact 3 Email Address	<a href="mailto:Board.of.Supervisors@sfgov.org">Board.of.Supervisors@sfgov.org</a>
Contact 3 Agency Name	City of San Francisco
Contact 3 Street Address	1 Dr. Carlton B. Goodlett Place
Contact 3 City, State ZIP	San Francisco, CA 94102

Director of School Board (or equivalent)	N/A
Contact 4 Email Address	N/A
Contact 4 Agency Name	N/A
Contact 4 Street Address	N/A
Contact 4 City, State ZIP	N/A

LAND USE OR BUILDING APPROVALS	
Type of Approval Issued	Conditional Use Authorization
Issue Date of Approval	1/7/2016
Effective Date of Approval	2/8/2016
Agency Name	City of San Francisco
Approval Permit Number	2015-006755CUA
Resolution Number	Motion No. 19543
Type of Approval Issued (2)	N/A
Issue Date of Approval (2)	N/A
Effective Date of Approval (2)	N/A
Agency Name (2)	N/A
Approval Permit Number (2)	N/A
Resolution Number (2)	N/A

Notes/Comments:
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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: CPUC Notification - Verizon Wireless - SFUM 3-2-2016  
**Attachments:** CPUC Notification - Verizon - SFUM 3-2-2016.pdf

**From:** West Area CPUC [mailto:WestAreaCPUC@VerizonWireless.com]

**Sent:** Friday, March 04, 2016 5:59 PM

**To:** Masry, Omar (CPC) <omar.masry@sfgov.org>; Administrator, City (ADM) <city.administrator@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

**Cc:** West Area CPUC <WestAreaCPUC@VerizonWireless.com>

**Subject:** CPUC Notification - Verizon Wireless - SFUM 3-2-2016

This is to provide your agency with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC"). This notice is being provided pursuant to Section IV.C.2.

If you prefer to receive these notices by US Mail, please reply to this email stating your jurisdiction's preference.

Thank You



March 4, 2016

Ms. Anna Hom  
**Consumer Protection and Safety Division**  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
[alh@cpuc.ca.gov](mailto:alh@cpuc.ca.gov)

RE: Notification Letter for Various Verizon Small Cell Facilities  
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

---

This is to provide the Commission with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact the representative below.

Sincerely,

Ruth L. Concepcion  
West Territory Real Estate  
15505 Sand Canyon Avenue, Irvine, CA 92618  
[WestAreaCPUC@VerizonWireless.com](mailto:WestAreaCPUC@VerizonWireless.com)

# CPUC Attachment A

Initial Build (new presence for Verizon Wireless)



JURISDICTION	PLANNING DIRECTOR	CITY ADMINISTRATOR	CLERK OF THE BOARD	COUNTY
City of San Francisco 1 Dr. Carlton B. Goodlett Pl	<a href="mailto:omar.masry@sfgov.org">omar.masry@sfgov.org</a>	<a href="mailto:city.administrator@sfgov.org">city.administrator@sfgov.org</a>	<a href="mailto:Board.of.Supervisors@sfgov.org">Board.of.Supervisors@sfgov.org</a>	San Francisco

Site Address	Site APN	Site Coordinates (NAD 83)	Project Description	Number & type of Antennas	Tower Design	Tower Appearance	Tower Height (in feet)	Size of Building or NA	Type of Approval	Approval Issue Date	Approval Effective Date	Applicant
150 Broadway, San Francisco CA 94111	N/A - public right-of-way	37°47'55.46"N 122°24'2.01"W	Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" MRRU's on to existing (29' AGL) MTA steel streetlight pole.	1 panel antenna	Existing PUC streetlight pole	Panel antenna @ 30' 9" RAD	31' 9" AGL	N/A	Personal Wireless Service Facility Permit	42425	42455	15W
200 Jackson St, San Francisco CA 94111	N/A - public right-of-way	37°47'48.86"N 122°24'0.46"W	Replace existing street light with new (28' 10") PUC street light in same location. Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" MRRU's on to new pole.	1 panel antenna	New PUC streetlight pole	Panel antenna @ 30'-9" RAD	31'-9" AGL	N/A	Personal Wireless Service Facility Permit	42424	42454	15W
653 Front St, San Francisco CA 94111	N/A - public right-of-way	37°47'51.80"N 122°23'59.21"W	Replace existing street light with new (28' 10") PUC street light in same location. Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" MRRU's on to new pole.	1 panel antenna	New PUC streetlight pole	Panel antenna @ 30'-9" RAD	31'-9" AGL	N/A	Personal Wireless Service Facility Permit	42424	42454	15W
16 Greenwich St, San Francisco, CA 94133	N/A - public right-of-way	37°48'8.06"N 122°24'38.39"W	Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" MRRU's on to existing (27' 10" AGL) SFPUC steel streetlight pole.	1 panel antenna	Existing PUC streetlight pole	Panel antenna @ 29'-7" RAD	30'-7" AGL	N/A	Personal Wireless Service Facility Permit	42424	42454	15W
1000 Green St, San Francisco, CA 94133	N/A - public right-of-way	37°47'56.80"N 122°24'56.70"W	Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" MRRU's on to existing (28' 4" AGL) SFPUC steel streetlight pole.	1 panel antenna	Existing PUC streetlight pole	Panel antenna @ 30'-1" RAD	31'-1" AGL	N/A	Personal Wireless Service Facility Permit	2/25/2016	3/26/2016	15W

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**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: CPUC Notification - Verizon Wireless - SFUM 3-4-2016  
**Attachments:** CPUC Notification - Verizon - SFUM 3-4-2016 .pdf

**From:** West Area CPUC [mailto:WestAreaCPUC@VerizonWireless.com]

**Sent:** Friday, March 04, 2016 2:49 PM

**To:** Masry, Omar (CPC) <omar.masry@sfgov.org>; Administrator, City (ADM) <city.administrator@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

**Cc:** West Area CPUC <WestAreaCPUC@VerizonWireless.com>

**Subject:** CPUC Notification - Verizon Wireless - SFUM 3-4-2016

This is to provide your agency with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC"). This notice is being provided pursuant to Section IV.C.2.

If you prefer to receive these notices by US Mail, please reply to this email stating your jurisdiction's preference.

Thank You



March 4, 2016

Ms. Anna Hom  
**Consumer Protection and Safety Division**  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
[alh@cpuc.ca.gov](mailto:alh@cpuc.ca.gov)

RE: Notification Letter for SF UM SC267A  
San Francisco-Oakland, CA / GTE Mobilnet of California Limited Partnership / U-3002-C

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This is to provide the Commission with notice according to the provisions of General Order No. 159A of the Public Utilities Commission of the State of California ("CPUC") for the project described in Attachment A.

A copy of this notification letter is also being provided to the appropriate local government agency for its information. Should there be any questions regarding this project, or if you disagree with any of the information contained herein, please contact the representative below.

Sincerely,

Ruth L. Concepcion  
West Territory Real Estate  
15505 Sand Canyon Avenue, Irvine, CA 92618  
[WestAreaCPUC@VerizonWireless.com](mailto:WestAreaCPUC@VerizonWireless.com)

CPUC Attachment A  
Initial Build (new presence for Verizon Wireless)



VZW LEGAL ENTITY	JURISDICTION	PLANNING DIRECTOR	CITY ADMINISTRATOR	CLERK OF THE BOARD	COUNTY
GTE Mobilnet of California Limited Partnership	City of San Francisco 1 Dr. Carlton B. Goodlett Pl San Francisco, CA 94102	<u>omar.masry@sfgov.org</u>	<u>city.administrator@sfgov.org</u>	<u>Board.of.Supervisors@sfgov.org</u>	San Francisco

Site Name	Site Address	Site APN	Site Coordinates (NAD 83)	Project Description	Number & type of Antennas	Tower Design	Tower Appearance	Tower Height (in feet)	Size of Building or NA	Type of Approval	Approval Issue Date	Approval Effective Date	Approval Permit Number	Resolution Number
SF UM SC267A	516 O'Farrell St, San Francisco CA 94109	N/A - public right-of-way	37°47'9.07"N 122°24'47.29"W	Installation of one 7.5" diameter x 24" tall canister antenna, two 16.5" x 9.8" x 5.7" MRRU's on to existing (28'-10" AGL) SFPUC steel pole.	1 panel antenna	Existing PUC streetlight pole	Panel antenna @ 30'-7" RAD	31'-7" AGL	N/A	Personal Wireless Service Facility Permit	42391	42421	15WR-0191	N/A

File 151179

**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors; Somera, Alisa (BOS); Ausberry, Andrea; Young, Victor  
**Subject:** FW: For Mar 1 meeting (tomorrow, item 11 on agenda) Letter of Support for Tobacco 21 - Item 151179 Banning the Sale of Tobacco Products  
**Attachments:** Tobacco 21 Letter of Support St Agnes - Trinity Health Feb 29, 2016.pdf

**From:** bob@lgbtpartnership.org [mailto:bob@lgbtpartnership.org]  
**Sent:** Monday, February 29, 2016 3:48 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** For Mar 1 meeting (tomorrow, item 11 on agenda) Letter of Support for Tobacco 21 - Item 151179 Banning the Sale of Tobacco Products

Dear Clerk of the Board and Supervisors-

Attached is a letter of support for the Board meeting tomorrow Mar 1, 2016.

The letter is in support of item 11 on the agenda, 151179 Banning the Sale of Tobacco Products to Persons Aged 18-20

Thank you for distributing this letter to the Board members.

Bob Gordon  
Co-Chair, San Francisco Tobacco Free Coalition

Bob Gordon, MPH  
California LGBT Tobacco Education Partnership (LGBT Partnership)  
1270 Sanchez Street  
San Francisco, CA 94114

415-436-9182 [bob@lgbtpartnership.org](mailto:bob@lgbtpartnership.org) [www.lgbtpartnership.org](http://www.lgbtpartnership.org)



## Saint Agnes Medical Center

February 29, 2016

Board of Supervisors  
San Francisco City Hall, 1 Dr  
Carlton B Goodlett Pl #244  
San Francisco, CA 94102

1303 East Herndon Avenue  
Fresno, California 93720

[www.samc.com](http://www.samc.com)

Re: Letter of Support: Health Code – Banning the  
Sale of Tobacco Products to Persons Aged 18-20

Dear Board of Supervisors:

As the Director of Saint Agnes Medical Center, I am deeply encouraged and strongly support efforts to ban the sale of tobacco products to persons aged 18-20. Saint Agnes Medical Center is a member of Trinity Health (90 hospitals in 21 states) and I am proud to report that all of Trinity Health's member hospitals are focused on supporting this initiative.

As an employer of over 95,000 full-time employees, Trinity Health understands the financial impact that this initiative will have. The additional cost of employing a smoker versus a non-smoker adds up to \$5,816 per year on average. Additional costs are attributed to factors such as presenteeism, absenteeism and increased healthcare costs. The healthcare industry is in a state of transition. Cutting costs and increasing quality are paramount focal areas and a healthier community and workforce are necessary to achieve nationwide goals.

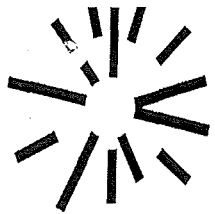
Negative health effects of smoking are witnessed daily within our walls. Community members are more ill, chronic conditions are abundant, and the cost of care has increased substantially. This is not to say that all cost increases are related to tobacco use, but a case is to be made for the fact that many costs and doctor visits could be reduced with the approval of this initiative.

I would like to thank the City of San Francisco for taking the lead on this issue and remain hopeful that the City of Fresno will follow suit in the near future.

Sincerely,

Eric Linville  
Director of Community Benefit





SF OPERA  
LAB

Wilsey Center  
2016 Performance Series

PSNS. 0page

March 3, 2016

Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: San Francisco Opera Association Application for Liquor License  
For the Wilsey Center for Opera, 4<sup>th</sup> Floor, 401 Van Ness

Dear Sirs,

The purpose of this letter is to request to be placed on the Board's Calendar for Public Convenience and Necessity with regard to the San Francisco Opera Association's application for a Type 64 Theater License for the new Wilsey Center for Opera and our new 299-seat flexible theater space the Dianne and Tad Taube Atrium Theater on the 4<sup>th</sup> Floor of 401 Van Ness Avenue.

The Veterans Building recently re-opened in September following a 26-month, \$156 million City sponsored seismic retrofit, as well as a \$21 million Opera sponsored theatrical space and tenant improvement project. The centerpiece of the Opera's project is a unique venue, the Diane B. Wilsey Center for Opera, where the 4<sup>th</sup> floor of the Veterans Building will come alive once again with public performances in the newly established Taube Atrium Theater, a state-of-the-art performance venue designed to be configured in multiple ways, providing both performer and audience members with a very personal approach to the concert experience. From traditional theater-style performances and seating, to cabaret settings with café tables and performances in the round, to more experimental configurations, the Taube Atrium Theater will offer intimate and adventurous experiences.

In order to best accommodate our patrons we would like to provide beverage service and light concessions for each of our performances. Hours of operation will begin 90 minutes prior to each performance and one hour post performance, depending on the program. By operating our own services at this relatively small performance space we will save on the wear and tear of the venue, and provide convenience to our patrons and the public considering the theater is on the fourth floor of the War Memorial Veteran's Building. Since SFMOMA last occupied this space in 1994 there has been no concessionaire, so this is a new license.

San Francisco Opera is committed to consolidating our facilities at Civic Center and expanding the increasingly vibrant performing arts offerings in the district.

We seek the San Francisco Board of Supervisors affirmative ruling that our application serves the public convenience and necessity of our City.

Sincerely,

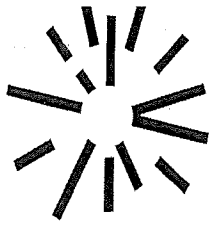
Michael TW Simpson, Chief Financial Officer

Alternate Contact: Lynne Winslow

RECEIVED  
SAN FRANCISCO  
2016 MAR -3 AM 11:48  
BY [signature]

(20)

160209



SF OPERA  
LAB

**Wilsey Center**  
**2016 Performance Series**

San Francisco Opera Association  
301 Van Ness Avenue  
San Francisco, CA 94102  
V (415) 565-3295  
F (415) 551-6329  
[msimpson@SFOpera.com](mailto:msimpson@SFOpera.com)

White Rain Productions  
746 Hayes Street  
San Francisco, CA 94102  
V (415) 551-5190  
[lynne@whiterainproductions.com](mailto:lynne@whiterainproductions.com)

## INFORMATION AND INSTRUCTIONS -

## SECTION 23958.4 B&amp;P

Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.

- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
- Part 2 is to be completed by the applicant, and returned to ABC.
- Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

## PART 1 - TO BE COMPLETED BY ABC

## 1. APPLICANT'S NAME

San Francisco Opera Association

## 2. PREMISES ADDRESS (Street number and name, city, zip code)

401 Van Ness Ave., 4th Floor, San Francisco CA 94102-4522

## 3. LICENSE TYPE

64

## 4. TYPE OF BUSINESS

- |   |   |  |  |
|---|---|--|--|
| <input type="checkbox"/> Full Service Restaurant                | <input type="checkbox"/> Hofbrau/Cafeteria  | <input type="checkbox"/> Cocktail Lounge     | <input type="checkbox"/> Private Club      |
| <input type="checkbox"/> Deli or Specialty Restaurant           | <input type="checkbox"/> Comedy Club        | <input type="checkbox"/> Night Club          | <input type="checkbox"/> Veterans Club     |
| <input type="checkbox"/> Cafe/Coffee Shop                       | <input type="checkbox"/> Brew Pub           | <input type="checkbox"/> Tavern: Beer        | <input type="checkbox"/> Fraternal Club    |
| <input type="checkbox"/> Bed & Breakfast:                       | <input checked="" type="checkbox"/> Theater | <input type="checkbox"/> Tavern: Beer & Wine | <input type="checkbox"/> Wine Tasting Room |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All |   |  |  |

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Supermarket        | <input type="checkbox"/> Membership Store  | <input type="checkbox"/> Service Station               | <input type="checkbox"/> Swap Meet/Flea Market |
| <input type="checkbox"/> Liquor Store       | <input type="checkbox"/> Department Store  | <input type="checkbox"/> Convenience Market            | <input type="checkbox"/> Drive-in Dairy        |
| <input type="checkbox"/> Drug/Variety Store | <input type="checkbox"/> Florist/Gift Shop | <input type="checkbox"/> Convenience Market w/Gasoline |  |
| <input type="checkbox"/> Other - describe:  |  |  |  |

## 5. COUNTY POPULATION

845,602

## 6. TOTAL NUMBER OF LICENSES IN COUNTY

275

☒ On-Sale ☐ Off-Sale

## 7. RATIO OF LICENSES TO POPULATION IN COUNTY

☐ On-Sale ☐ Off-Sale

## 8. CENSUS TRACT NUMBER

62

## 9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

9

☒ On-Sale ☐ Off-Sale

## 10. NO. OF LICENSES EXISTING IN CENSUS TRACT

44

☒ On-Sale ☐ Off-Sale

11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- ☒ Yes, the number of existing licenses exceeds the number allowed
- ☐ No, the number of existing licenses is lower than the number allowed

## 12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- ☒ Yes (Go to Item #13) ☐ No (Go to Item #20)

## 13. CRIME REPORTING DISTRICT NUMBER

552

## 14. TOTAL NUMBER OF REPORTING DISTRICTS

653

## 15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

53,160

## 16. AVERAGE NO. OF OFFENSES PER DISTRICT

81

## 17. 120% OF AVERAGE NUMBER OF OFFENSES

97

## 18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

247

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- ☒ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- ☐ No, the total number of offenses in the reporting district is lower than the total number in item #17

## 20. CHECK THE BOX THAT APPLIES (check only one box)

- ☐ a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- ☐ b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- ☒ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

Board of Supervisors

## FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

willie bulanadi

**PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)**

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

A license is required for SF Opera Lab performances because the venue is on the Fourth floor and there are no convenient services that can be used. As a small theater concessions must be handled by the non-profit so as not to be cost prohibitive

22. APPLICANT SIGNATURE

23. DATE SIGNED

**PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)**

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☐ Yes

☐ No

☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED

Boxcar Theatre Inc.

file 160210

Clerk of the Board  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: Boxcar Theatre Inc. Type 64 Application  
644 Broadway, Lower Level, San Francisco, CA 94133

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2016 MAR -3 PM 2:37  
AK

To the Clerk of the Board,

The purpose of this letter is to respectfully request to be placed on the Board's public safety and neighborhood services committee calendar for a Public Convenience and Necessity approval with regard to our Type 64 license application. We would like to explain our motivation and intent in applying for a Special On-Sale General Theater license.

Our concept is to create an immersive theatrical experience invoking the spirit of a 1923 speakeasy that will be infused with live performance. It will be staged throughout multiple rooms over a floor plan of approximately 9,000 square feet. The performance will invite the audience to roam the environment and engage with their choice of theatrical elements and characters. Patrons will experience the provocative and titillating nature of an underground club, as they not only observe but also participate in the goings-on at the bar, the faux gaming tables, and the cabaret. They throw dice, raise glasses, and otherwise interact with more than 35 costumed performers who inhabit this world. It is clear that alcoholic beverage service is an integral part of this theater experience.

Our desired hours of operation will vary by performance. We will vigilantly monitor the surrounding area to ensure the safety of our business and customers at all times and maintain a lawful business.

This immersive theatrical experience is quite a unique concept not only for this area, but also for San Francisco in general.

We seek the San Francisco Board of Supervisor's affirmative ruling that our application serves the public convenience and necessity of our city.

Sincerely,



Nicholas Olivero, Director

---

**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors; Evans, Derek  
**Subject:** File 160127 FW: Common Cause - Budgeting for SF Open Source Voting - SUPPORT  
**Attachments:** SF Open Source Voting - Support.pdf

**From:** Nicolas Heidorn [mailto:NHeidorn@commoncause.org]  
**Sent:** Wednesday, March 02, 2016 9:40 AM  
**To:** Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Cc:** Jerdonek, Chris (REG) <chris.jerdonek@sfgov.org>; Arntz, John (REG) <john.arntz@sfgov.org>  
**Subject:** Common Cause - Budgeting for SF Open Source Voting - SUPPORT

Dear Mayor Lee and Board of Supervisors,

Please find attached Common Cause's letter of support regarding the budget proposal to develop and certify an open source voting system.

Thank you,

--Nicolas  
Nicolas Heidorn  
Legislative Affairs  
California Common Cause  
[nheidorn@commoncause.org](mailto:nheidorn@commoncause.org)  
O: (916) 520-4070  
C: (510) 798-3425



**COMMON CAUSE**

*Holding Power Accountable*

[www.commoncause.org](http://www.commoncause.org)

March 1, 2016

The Honorable Edwin M. Lee, Mayor of San Francisco, and  
The San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 48  
City Hall  
San Francisco, CA 94102

**RE: Open Source Voting System Project - SUPPORT**

Dear Mayor Lee and Members of the Board,

Dear Mayor Lee and Members of the Board of Supervisors:

On behalf of California Common Cause and our members, I am writing to express our support for the proposal to fund, in this year's budget, the start of a project to develop and certify an open source voting system for use in San Francisco starting in June 2020.

Common Cause supports the development and adoption of open source voting systems. Open source systems are more transparent, more adaptable to voting system, presentation, and procedural changes, and can be a long-term cost-savings. Common Cause supports a similar effort in Los Angeles County.<sup>1</sup>

San Francisco has long been a national leader in policy and good governance innovation, and this project is in keeping with that tradition. With success, this project has the potential to improve not just San Francisco elections, but also those of other California counties.

For these reasons, Common Cause supports the funding of this project. Should you have any questions, please feel free to contact me at [nheidorn@commoncause.org](mailto:nheidorn@commoncause.org) or 510-798-3425.

Sincerely,

Nicolas Heidorn  
Policy and Legislative Counsel  
California Common Cause

<sup>1</sup> Available at: <http://www.lavote.net/vsap/>.

---

**From:** mari eliza <mari.eliza@sbcglobal.net>  
**Sent:** Monday, February 29, 2016 8:12 PM  
**To:** Board of Supervisors, (BOS)  
**Cc:** Mar, Eric (BOS); Farrell, Mark (BOS); Peskin, Aaron (BOS); Tang, Katy (BOS); Breed, London (BOS); Kim, Jane (BOS); Yee, Norman (BOS); Wiener, Scott; Campos, David (BOS); Cohen, Malia (BOS); Avalos, John (BOS)  
**Subject:** Public Access to Documents

2/29/2016

To: Ed Reiskin, MTA Board of Directors, Mayor and Board of Supervisors

Public Access to Documents

The SFMTA has not been very helpful as of late with production of public documents requests and the website is not easy to navigate for people who are trying to research and understand what is going on in their neighborhoods. We are getting a lot of requests for help in understanding what is going on.

We are private citizens and it is not our job to help people. It is the department's job. Therefore we are making this formal request on the record that this board instruct staff to do their jobs and provide all requested documents in a timely manner.

We are also requesting that the SFMTA design a proper web site that the public can use to access the data they are using to plan and execute programs and projects.

A few years ago complaints were brought to the Planning Department about their lack of public notice and access to their database and they have responded to those complaints. The Planning Department has considerably less funds than the SFMTA yet they have done an excellent job of creating a user-friendly accessible database that the public can use without a lot of assistance.

If the SFMTA needs help designing and maintaining a web site we suggest they talk to the Planning Department about how they put theirs together.

If the SFMTA technical people need assistance, suggestions, or ideas on how to improve their service, they may also request assistance from those of us who are making the requests and waiting for results.

We need an online public-friendly, easily searchable by street name database, similar to what the Planning Department has produced.

Thanks,

Mari Eliza



---

**From:** Board of Supervisors, (BOS)  
**To:** Breed, London (BOS); Campos, David (BOS); Mar, Eric (BOS); Farrell, Mark (BOS); Tang, Katy (BOS); Kim, Jane (BOS); Wiener, Scott; Cohen, Malia (BOS); Peskin, Aaron (BOS)  
**Subject:** FW: Board File # 150271 Case No.#2015-004022PCA MAP

**From:** chris w [mailto:dragonflysfo@gmail.com]

**Sent:** Friday, March 04, 2016 10:32 AM

**To:** Yee, Norman (BOS) <norman.yee@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; PIC, PLN (CPC) <pic@sfgov.org>; planning@rodneyfong.com; cwu.planning@gmail.com

**Subject:** Board File # 150271 Case No.#2015-004022PCA MAP

To: City & County of San Francisco, and Supervisor and city officials responsible for this case and decisions, please forward to related parties...

Rezoning Ocean Ave. to (NCT)

-did not include Lot #029 Block #6946.....that 50 foot of lot faces Ocean Ave!

Please include this property to the Rezoning (NCT)

-to be "INCLUSIVE" and FAIR to all other Properties expose to Ocean Ave!

I hereby contest that the above Property Lot that expose 50 feet of property to Ocean Ave. is not included in the Rezoning Proposal Ordinance, and thereby violates FAIR RIGHTS of ZONING in being INCLUSIVE of the same benefits as properties on each side of LOT #029, Block #6946

If Actions are not taken to correct and include my property to the rezoning benefits, then I will take all Legal Actions to the city and all responsible parties involved!

Chris Wong-owner  
248 Harold ave.  
San Francisco, Ca. 94112

**From:** Board of Supervisors, (BOS)  
**To:** BOS-Supervisors  
**Subject:** FW: S.F ACC

**From:** marie delloue [mailto:del.loue@yahoo.com]  
**Sent:** Friday, March 04, 2016 6:02 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** S.F ACC

Dear Board Members

As a volunteer at ACC I have personally seen the state of the building which houses ACC staff, volunteers and of course animals...

It is a great. OLD, building which probably served the community well many years ago. At this time though it does not serve well the increased number of staff and animals and their need...

It is unfortunate that its present location is so close to the SPCA as the comparison does not serve ACC well...I hear too many comments about possible adopters preferring to go to the SPCA for many different reasons that have to do with space and environment.

I hope you all understand the urgent need for a new building to house the wonderful staff, volunteers and first and foremost, animals.....

Cordially,

Marie A Delloue

San Francisco resident

Sent from Mail for Windows 10

---

**From:** Board of Supervisors, (BOS)  
**To:** Cohen, Malia (BOS); Wiener, Scott; Peskin, Aaron (BOS); Bruss, Andrea (BOS); Angulo, Sunny (BOS); Taylor, Adam (BOS); Ausberry, Andrea; Young, Victor  
**Subject:** FW: Objections to File No. 160185 - 2/29/16  
**Attachments:** 20160229142748909.pdf

**From:** Ryan Patterson [mailto:ryanp@zulpc.com]  
**Sent:** Monday, February 29, 2016 2:32 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>  
**Subject:** Objections to File No. 160185 - 2/29/16

Dear Sir or Madam,

Please see attached.

Thank you,

Ryan J. Patterson  
Attorney  
Zacks & Freedman, P.C.  
235 Montgomery Street, Suite 400  
San Francisco, CA 94104  
Telephone: (415) 956-8100  
Facsimile: (415) 288-9755  
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# ZACKS & FREEDMAN

A PROFESSIONAL CORPORATION

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San Francisco, California 94104  
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February 22, 2016

Land Use and Transportation Committee  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102

Re: File No. 160185 – Removal of Residential Units

Dear Members of the Land Use and Transportation Committee:

This office represents the Small Property Owners of San Francisco and Small Property Owners of San Francisco Institute (collectively, “SPOSF”). File No. 160185 (the “Ordinance”) targets property owners and their properties across the City.

SPOSF opposes the Ordinance and submits these comments in advance of the Committee hearing thereon.

1. The Committee’s hearing on the Ordinance is premature.
  - a. The City referred the Ordinance to the Planning Commission for consideration following the duplication of File No. 150494 and subsequent substantial amendment of the Ordinance. However, the Planning Commission has not yet reviewed the Ordinance. Any action on the Ordinance at this time by the Committee will therefore be in violation of City and County of San Francisco Charter Article IV, § 4.105 and San Francisco Planning Code § 302. The Planning Commission has not had an opportunity to consider the Ordinance and make recommendations, and it will not have such an opportunity prior to the Committee’s hearing.
  - b. Likewise, the Ordinance was referred to the Building Inspection Commission pursuant to Charter Section D3.750-5 on February 11. The Building Inspection Commission has continued its hearing on the Ordinance and will not conclude its hearing prior to this Committee’s hearing. Any prior action by this Committee would be premature.
  - c. It should be noted that both Committee referral notices include the previous version of the Ordinance rather than the Ordinance itself. The Ordinance must be re-referred for consideration in its present, amended condition.

2. The Ordinance was misclassified as “not a project” for CEQA purposes. This is erroneous.
  - a. The Ordinance constitutes a citywide rezoning via amendment of the Planning Code. Unit removal would no longer be permitted; it would now be merely *conditionally* permitted. By the same token, non-residential uses would no longer be permitted; they would now be merely *conditionally* permitted. This is a major change of unprecedented scale in San Francisco. On one hand, owners would be deprived of substantial property rights – to use their properties for non-residential purposes. On the other hand, properties across the City would now be required to have more dwelling units than under existing law. This rezoning conflicts with the General Plan, which respects and directs principally permitted uses other than residential use in areas of the City that are covered by the Ordinance.
  - b. The Ordinance will cause long-term vacancy, property deterioration and degradation, blight, and urban decay. After an eviction, owners will likely be unable to obtain conditional use authorization to remove the subject unit and use it for nonresidential purposes; the required Conditional Use findings are clearly designed to result in denial. As a result, properties across the City will sit empty. Owners of single-family homes, in particular, do not want second units because of the risk of those second units subjecting the entire building to Rent Control. Such owners would instead leave unlawful units vacant to avoid Notices of Violation that can only be cured by subjecting the entire building to Rent Control. This is most clearly true of unlawful units that have been the subject of no-fault evictions, in which case residential merger is prohibited.
  - c. Lastly, the compulsory residential use of nonresidential structures is unsafe. Forcing owners to continue the residential rental of garages, offices, warehouses, and other spaces that were not designed for residential uses poses a significant risk to the public and occupants of those and neighboring structures. This places an additional burden on public safety resources and infrastructure. Perversely, the Ordinance would force the maintenance of unlawful uses that did not receive proper CEQA review in the first place.
3. The Ordinance is preempted by state law.
  - a. The Ordinance changes the San Francisco Building Code, in conflict with the California Building Code. Specific requirements must be met in order to deviate from the state code, and those requirements are unmet in this case. The Ordinance attempts to change state requirements for unwarranted units in a way that loosens the law (all unwarranted units will be kept where possible, rather than leaving this decision up to the owner or removed due to illegality). Such changes are wholly unrelated to the

unique climate, geography, or topography of San Francisco. San Francisco Building Code § 109A requires the issuance of a Certificate of Final Completion and Occupancy (“CFCO”) prior to any residential use, but the Ordinance (under the auspices of the Planning Code) seeks to compel residential use without the prior issuance of a CFCO. California Building Code § 3408 explicitly authorizes the change of use from a more hazardous classification (e.g., residential) to a less hazardous classification (e.g., commercial). California Historical Building Code § 8-302 explicitly authorizes the return of a historical building to its historical use – in this case, office use. The City has not followed the substantive or procedural requirements for deviation from the California Building Code.

- b. After exercising their rights under the state’s Ellis Act, property owners will be unable to obtain authorization to remove an unwarranted unit; nor will they be able to rent such units given their unwarranted status. This means that use of any kind will be prohibited. This constitutes an impermissible burden on the state-law right to go out of the residential rental business, in direct contravention of the Ellis Act. This Ordinance is not a valid exercise of local-government authority over land use; rather, it is a deliberate attempt to interfere with rights guaranteed by the Ellis Act.
  - c. This Ordinance is apparently being proposed pursuant to the state Granny Flat law, Government Code Section 65852.2. However, that law applies to single family homes. The Ordinance exceeds San Francisco’s authority to enact such legislation.
- 4. The Ordinance’s requirement that Notices of Violation be retroactively re-issued with instructions to legalize unlawful units rather than remove them would violate the vested rights of property owners who have already taken substantial steps to remove unlawful units in accordance with existing Notices of Violation. Furthermore, the Ordinance’s requirement that the “Conditional Use requirement of Subsection (c)(1) shall apply to (A) any building or site permit issued for Removal of an Unauthorized Unit on or after March 1, 2016, and (B) any permit issued for Removal of an Unauthorized Unit prior to March 1, 2016 that has been suspended by the City or in which the applicant’s rights have not vested” changes the rules for property owners across the City who already have permits to remove residential units, disentitling their projects with no CEQA review of the environmental consequences.
  - 5. Enactment of the Ordinance violates Due Process rights. This may constitute an adjudicatory action as it regards actual owners subject to Notices of Violation for unlawful units. Such property owners are uniquely affected by this Ordinance and stand to be deprived of significant property rights, as they will now be unable to remove those units without difficult (or impossible) procedural hurdles designed to result in denial of Conditional Use authorization, if such permission is available at all. Those owners are entitled to notice of the consideration of this Ordinance and an opportunity to object, including pursuant to *Horn v. Cty. of Ventura*, 24 Cal. 3d 605 (1979). Additionally, the requirement that Notices of

Violation require legalization conflicts with the requirement (and purported option) to obtain Conditional Use authorization to remove an unlawful unit. Lastly, the Ordinance radically departs from fundamental principles of zoning law, which protect lawful and principally permitted uses and do not protect unlawful or unpermitted uses. At a minimum, the legislative changes in the Ordinance are landlord-tenant measures, inappropriate for the Planning and Building Codes, and they should be proposed as an amendment to the Rent Ordinance.

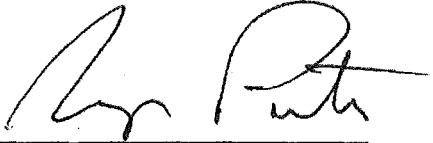
6. The Ordinance does not advance a legitimate state interest. The purpose of the Ordinance is to target and punish property owners for their unpopular but lawful attempt to evict tenants for illegal and unsafe residential use. The Ordinance attempts to force property owners to maintain life-safety hazards despite the Department of Building Inspection's issuance of Notices of Violation to cure those unlawful and hazardous conditions.
7. The Ordinance applies landscaping and permeable surface requirements for new buildings and building additions to unit mergers which do not change the square footage or building footprint in any way. There is no nexus for this requirement and it will make even desirable unit mergers virtually impossible.
8. The Ordinance makes merging units extremely costly and time-consuming, discouraging family-friendly housing by making it even more expensive and less attainable, as shown in the associated Economic Impact Report.
9. The Ordinance's findings are legally inadequate. They are based on Planning Commission findings for a previous ordinance which is substantially different from the subject Ordinance. The Planning Commission's findings were also based on suggested modifications to that ordinance which were not made and are not included in the subject Ordinance. The Ordinance lacks independent, sufficient findings.
10. The Ordinance's financial feasibility test is unworkable. Legalization is deemed financially feasible if the increase in value is equal to the cost of legalization. However, an owner will have to pay the legalization costs up front but can only realize a gain in value upon sale. Many, if not most, owners will not be able to afford to pay those costs up front; and even if they could, Ordinance No. 131148 prohibits "passing through" these capital improvement costs to tenants to reimburse an owner. Individual owners—rather than the City as a whole—will be forced to bear the burden of the City's "housing crisis"; this is a crisis for which the individual owners are not responsible. Under the Ordinance, they will be forced to spend considerable funds with no financial upside, effectively subsidizing existing tenants. Moreover, the Ordinance's financial feasibility test is also unworkable for another reason: the value of a property containing an illegal unit will generally be *reduced* by legalization, not increased, especially in the case of single-family homes which would not otherwise be subject to Rent Control.
11. The Ordinance constitutes unjust interference with the Department of Building Inspection's and Planning Department's Charter obligations to enforce the City Codes.

12. The Ordinance would effect a regulatory taking of private property without compensation. Property owners cannot charge rent for illegal residential use, and the Ordinance seeks to prevent any other use.

We respectfully request that this Committee reject the proposed Ordinance. If the Ordinance is enacted, we are prepared to file suit.

Very truly yours,

ZACKS & FREEDMAN, P.C.

A handwritten signature in black ink, appearing to read "Ryan Patterson", written over a horizontal line.

Ryan J. Patterson

Encl.





## BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection

Voice (415) 558-6164 - Fax (415) 558-6509

1660 Mission Street, San Francisco, California 94103-2414

January 28, 2016

Edwin M. Lee  
Mayor

### MEMO

#### COMMISSION

Angus McCarthy  
President

Kevin Clinch  
John Konstin  
Frank Lee  
Dr. James McCray, Jr.  
Myrna Melgar  
Debra Walker

Sonya Harris  
Secretary

Tom C. Hui  
Director

Ms. Angela Calvillo  
Clerk of the Board  
Board of Supervisors, City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4694

**RE: File No. 150494-2 – Ordinance amending the Planning Code to require Conditional use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirement for building additions and residential mergers; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal.**

Dear Ms. Calvillo:

On January 20, 2016 the Building Inspection Commission held a public hearing on the proposed amendment to the San Francisco Building Code referenced above. The Commissioners had some additional concerns regarding the legislation, so they unanimously voted to continue the item to the next Regular Building Inspection Commission meeting on February 17, 2016.

*Commissioners McCarthy, Clinch, Konstin, Lee, McCray, Melgar, and Walker voted unanimously to continue the item to February 17, 2016.*

Should you have any questions, please do not hesitate to call me at 558-6164.

Sincerely,

Sonya Harris  
Commission Secretary

cc: Tom C. Hui, S.E., C.B.O., Director



## **NOTICE OF MEETING**

### **Regular Meeting of the CODE ADVISORY COMMITTEE**

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**DATE:** February 10, 2016

**TIME:** 9:30 a.m. to 11:00 a.m.

**LOCATION:** 1650 Mission Street, Room 431  
(Thru Room 400, Planning Dept. Forth floor)

This Committee meets regularly every second Wednesday of the month at 1650 Mission Street, Room 431, 4<sup>th</sup> Floor (City Planning Department). If you wish to be placed on a mailing list for agendas, please call (415) 575-6832.

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Note: Public comment is welcome and will be heard during each item. Reference documents relating to agenda are available for review at the 1660 Mission Street, 1<sup>st</sup> floor. For information, please call Kirk Means at (415) 575-6832.

### **AGENDA**

- 1.0 Call to Order, Roll Call and confirmation of quorum.
- 2.0 Discussion and possible action regarding a proposed ordinance (file #150732) amending the Building Code to require any existing building with a place of public accommodation either to have all primary entries and path of travel into the building accessible by persons with disabilities or to receive from the City a determination of equivalent facilitation, technical infeasibility, or unreasonable hardship; establishing a Disability Access Compliance Unit within the Department of Building Inspection; establishing a fee to offset the costs of the disability access improvement program; affirming the Planning Department's California Environmental Quality Act determination; making findings of local conditions under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward the legislation to the California Building Standards Commission upon final passage. The possible action would be to make a recommendation to the full Code Advisory Committee for their further action. (20 minutes)
- 3.0 Discussion and possible action regarding a proposed ordinance (file# 160024) amending the Police Code to mandate that businesses and places of public accommodation designate single-user toilet facilities that are available to the public or employees as all-gender and accessible to persons of any gender identity, and require enforcement of the signage requirements by the Department of Building Inspection; amending the Administrative Code to require buildings on land that the City owns or leases to provide all-gender toilet facilities; and affirming the Planning Department's determination under the California Environmental Quality Act. The possible action would be to make a recommendation to the full Code Advisory Committee for their further action. (10 minutes)

- 4.0 Discussion and possible action regarding a proposed ordinance (file# 150494-2) amending the Planning Code to require Conditional Use authorization for the removal of any residential unit, whether legal or illegal, and compliance with landscaping and permeable surfaces requirements for building additions and residential mergers; amending the Building Code to require that notices of violation mandate legalization of an illegal unit unless infeasible under the Building Code or the Planning Commission approves its removal; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, Planning Code Section 302, and the eight priority policies of Planning Code, Section 101.1. The possible action is to make a recommendation to the Building Inspection Commission for their further action. (20 minutes)
- 5.0 Discussion and possible action regarding a proposed ordinance (file 141118) amending the Building Code to require that 1) the facades of certain buildings having five or more stories be inspected periodically by a licensed architect or engineer; 2) inspection reports be submitted to the owner and the Department of Building Inspection according to an inspection and reporting schedule; 3) maintenance of the facades be conducted in accordance with an Administrative Bulletin that is based on a notional standard; 4) establishing a fee to compensate the Department for review and related evaluation processing; 5) making findings, including environmental findings, and findings under the California Health and Safety Code; and 6) directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage (20 minutes).
- 6.0 Discussion and possible action regarding a proposed change to Section 4 (g) (2) (i) and update of other sections of existing Administrative Bulletin AB-047, Specific Submittal Criteria for Reports, Special Inspections and Final Acceptance Testing of Smoke Control Systems. The possible action would be to make a recommendation to the Building Inspection Commission for their further action. (10 minutes)
- 7.0 Discussion and possible action regarding proposed code changes to California Plumbing Code Sections 606.3 Multi-dwelling Units, 606.5 Control Valves, and 606.2 Fullway valve. The possible action is to make a recommendation to the Building Inspection Commission for their further action. (10 minutes)
- 8.0 Public Comments on items not on this agenda but within the jurisdiction of the Code Advisory Committee. Comment time is limited to 3 minutes or as determined by the Chairperson
- 9.0 Committee comments on items not on this agenda
- 10.0 Subcommittee Reports: (Discussion & possible action) (5 minutes)
- a. Housing Code Subcommittee:  
Subcommittee Chair: Jim Reed  
Subcommittee Members: Ira Dorter; Henry Karnilowicz
  - b. Mechanical Electrical Plumbing & Fire Subcommittee:  
Subcommittee Chair: Jim Reed  
Subcommittee Members: Robert Wong, M.E., Henry Karnilowicz, Brian Salyers, F.P.E.
  - c. Administrative & General Design and Disability Access Subcommittee  
Subcommittee Chair: Tony Sanchez-Corea

Subcommittee Members: Arnie Lerner, FAIA, CASp, Zachary Nathan, AIA, CASp,  
Henry Karnilowicz, Jonathan Rodriguez

d. Structural Subcommittee:

Subcommittee Chair: Stephen Harris, S.E.

Subcommittee Members: Rene' Vignos, S.E., LEED A.P., Marc Cunningham, Ned  
Fennle, AIA

e. Green Building Subcommittee:

Subcommittee Chair: Zachary Nathan, AIA, CASp

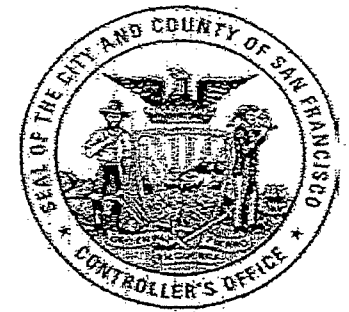
Subcommittee Members: Arnie Lerner, FAIA, CASp, Ilene Dick; Kevin Wallace, Henry  
Karnilowicz, Robert Wong, M.E., Michael Chavez

11.0 Review of communication items. The Committee may discuss or acknowledge communication  
items received for discussion.

12.0 Committee Member's and Staff's identification agenda items for the next meeting, as well as  
current agenda items to be continued to another CAC regular meeting or special meeting, or a  
subcommittee meeting. CAC discussion and possible action regarding administrative issues  
related to building codes.

13.0 Adjournment.

**Note to Committee Members: Please review the appropriate material and be prepared to  
discuss at the meeting.** If you are unable to attend, please call Chairperson Ned Fennie at (415)  
278-9596 or Building Inspector Kirk Means at (415) 575-6832. The meeting will begin promptly.



# Conditional Use Requirement for Removal of an Illegal Housing Unit: Economic Impact Report

Office of Economic Analysis  
Item # 150494  
February 1<sup>st</sup>, 2016

## Introduction

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- The proposed legislation would amend the Section 317 of the Planning Code to require a conditional use (CU) authorization for the removal of an illegal housing unit. Currently, only the removal of a legal housing unit requires a conditional use.
- A Notice of Violation for an illegal unit, from the Department of Building Inspection, would require a property owner to file a permit to legalize the unit, unless it is infeasible under the building code, or the Planning Commission approves removal of the unit under CU authorization.
- The legislation would also require compliance with landscaping and permeable surface requirements for residential merger and where addition to a building structure increases the existing gross floor areas by 20%.
- The office of Economic Analysis has prepared this report because the proposal could have material economic impact on the city's economy.
- In particular, limitation on demolition of illegal units could reduce the housing burden of low-income households, by maintaining a greater supply of housing at the low end of the private market.

## Economic Impact Factors

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- Building permit data suggests that illegal units are most often removed to expand an existing, larger, housing unit on the same parcel.
- By placing new restrictions on the removal of illegal units, the legislation would effectively expand the housing supply at the low end of the private housing market. This conclusion is based on the assumption that a CU authorization to remove an illegal unit would be no more likely to be granted than a CU authorization to remove an authorized unit.
- The result of that would be to put downward pressure on housing prices facing low-income households seeking housing in the city.
- On the other hand, limiting the removal of unauthorized units would inhibit the expansion of large units which are in demand at the upper end of the market. The resulting supply constraint at the upper end would tend to inflate prices at the upper end of the market. To the extent that supply is not expanded elsewhere (by increasing the attractiveness of upper-end properties in other ways, for example), then the price increase will be felt throughout the market.

## Impact on Housing Prices

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- The impact on citywide housing prices will depend on the number of illegal units removed each year. Unfortunately, since illegal units are unpermitted, data on the removal (and creation) of illegal units is indirect, and likely understates the extent of the activities.
- By analyzing building permit applications, the Planning Department has estimated that an average of 23 illegal units have been removed annually, over the 2004-14 period (see next page).
- If this trend is accurate and continues, the proposed legislation would lead to a decline in housing prices of 1% per year for 1-room housing units, on average over the next 20 years. This estimate is based on the total number of 1 room housing units currently in the city, as reported by the Census.
- On the other hand, the price increase at the upper end of the market is highly uncertain, because we lack data on the size of units that have been merged with an illegal unit, and how the supply constraint would ripple through the housing market. If these units would generally have 6 rooms or above after merger, then prices for those largest housing units in the city could increase by 0.02 to 0.04%, on average over the next 20 years.
- The net impact on citywide housing prices depends on how property owners react to the legislation and whether they make alternative actions to improve the value of their property. We are unable to estimate that impact with the available data.



## Trends in the Demolition of Illegal Housing Units in San Francisco, 2004-14

Year	Illegal Units Removed
2004	22
2005	38
2006	12
2007	10
2008	19
2009	8
2010	6
2011	39
2012	2
2013	70
2014	24
Average	23

Source: Housing Element 2014, Planning Department

## Staff Contacts

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[ted.egan@sfgov.org](mailto:ted.egan@sfgov.org)  
(415) 554-5268

Asim Khan, Ph.D., Principal Economist  
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235 MONTGOMERY STREET, SUITE 400  
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1 RYAN J. PATTERSON (SBN 277971)  
2 ZACKS & FREEDMAN, P.C.  
235 Montgomery Street, Suite 400  
3 San Francisco, CA 94104  
Tel: (415) 956-8100  
Fax: (415) 288-9755

4 Attorneys for 1049 Market Street, LLC  
5 and 1067 Market Street, LLC

6  
7 SAN FRANCISCO BOARD OF SUPERVISORS

8  
9 DECLARATION OF MARIO BALLARD

10 File No.: 150087  
11 Re: Interim Zoning Controls

12 I, Mario Ballard, declare as follows:

13 1. I make this declaration based on facts personally known to me, except as to  
14 those facts stated on information and belief, which facts I believe to be true.

15 2. I am a retired San Francisco Fire Captain, former Chief of the San Francisco  
16 Fire Department's Plan Check operations, and former Captain, Bureau of Fire Prevention &  
17 Public Safety. I currently consult on fire-related issues.

18 3. Buildings designed for commercial occupancy often lack life-safety features that  
19 are required for residential occupancy. This mismatch creates a substantial risk of harm to  
20 residential occupants of commercial buildings that do not meet Building Code or Fire Code  
21 requirements for residential occupancy.

22 4. I am familiar with the building located at 1049 Market Street and 1067 Market  
23 Street, San Francisco, CA (the "Buildings"), which were constructed and permitted for  
24 commercial occupancy. I am informed and believe that the Buildings do not meet code  
25  
26  
27  
28

-1-  
DECLARATION OF MARIO BALLARD

ZACKS & FREEDMAN, P.C.  
255 MONTGOMERY STREET, SUITE 400  
SAN FRANCISCO, CALIFORNIA 94104

1 requirements for residential occupancy because they lack required glazing in sleeping areas  
2 required for rescue windows up to and including the third floors.

3 5. I am informed and believe that Board of Supervisors File No. 150087 (the  
4 "Resolution") seeks to delay or prevent the abatement of extant unpermitted residential use of  
5 the Buildings, which would perpetuate a serious life-safety risk, not only to those occupying the  
6 building but also to fire personnel responding to an incident expecting certain life-safety  
7 features to be in place.  
8

9 I declare under penalty of perjury under the laws of the State of California that the  
10 foregoing is true and correct, and that this was executed on March 3, 2015.  
11

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Designed by  
Mario Ballard  
203803AF44714H0  
Mario Ballard.

**MARIO BALLARD & Associates**  
1335 Sixth Avenue, San Francisco, California 94122  
(415) 640-4283  
marioballardsf@aol.com

**Mario Ballard, Principal**

**CAREER SUMMARY**

Principal, Mario Ballard and Associates	5/1/2007-Present
Principal, Zari Consulting Group	1/1/2013-Present
Captain, Bureau of Fire Prevention, Plan Review Division	2001- 4/21/2007
Lieutenant, Bureau of Fire Prevention, Plan Check Division	1994 - 2001
Inspector, San Francisco Fire Department	1991 - 1994
Firefighter, San Francisco Fire Department	1974 - 1991
Linebarger Plumbing and Construction, SF CA	1974 - 1980
Servadei Plumbing Company, SF CA	1974
United States Army, Army Security Agency	1972 - 1974

**LICENSES**

ICC, International Code Conference Certified Building Plans Examiner

**CERTIFICATIONS**

ICC Advanced Occupancy  
ICC Advanced Schematic Design  
ICC Building Areas and Fire Design  
ICC Advanced Types of Construction  
ICC Advanced Means of Egress  
CFCFA Certificate of Training of Locally Adopted Ordinances and Resolutions  
IFC Institute Certificate Application of the UBC for Fire Code Enforcement  
ICBO Certificate on Course Completion on Fundamentals of Exiting  
ICBO Certificate on Course Completion Complex Exiting  
ICBO Certificate on Course Completion Building Use and Construction Type  
ICBO Certificate on Course Completion Fire Protection, Building Size and Location  
ICBO Course Overview of the Uniform Building Code  
California Fire Chief's Association Fire Prevention Officers' Section Fire Alarm Levels I & II  
Fire Sprinkler Advisory Board of Northern California & Sprinkler Fitter Local 483 Fire Sprinkler Seminar  
National Fire Sprinkler Association, Inc., Hydraulics for Sprinklers  
EDI Code International, Innovative Code Enforcement Techniques  
Certification State of California Title 19/Title 24

## EDUCATION

Fire Strategy & Tactics 1981-1993  
Fire Service Supervision  
Fire Prevention 1A, 1B, 1C  
Fire Prevention 2A, 2B  
Fire Prevention Officer Level One  
Firefighter Level One and Two  
Arson 1A, 1B  
Hazardous Materials 1A, 1B  
Instructor 1A  
Fire Management 1A

City College of San Francisco 1970-1972

## COMMITTEE INVOLVEMENT

Building Code Advisory Committee  
Hunters Point Development Team  
Mission Bay Task Force  
Treasure Island Development Team  
Trans-Bay Transit Center  
Muni Metro, Light Rail Third Street Corridor  
Department of Building Inspection MIS Case Development  
San Francisco Board of Examiners Fire Department Representative  
Member California Fire Chief's Association Fire Prevention Officers  
BOMA Code Advisory Committee  
Mayor's Office of Economic Development Bio-Tech Task Force  
Hunters Point Redevelopment Task Force  
Building Code Standards Committee 1996-1999  
Participant in the Eighth Annual California Fire Prevention-Institute Workshop,  
*"Providing the Optimum in Fire and Life Safety Training"*  
Participant North/South California Fire Prevention Officers Workshops 1996 - 1998  
Guest Speaker at SMACNA (Sheet Metal and Air Conditioning Contractors National Association)

## PUBLIC SERVICE

Rooms That Rock For Chemo (RTR4C), Director Secretary 2011-Present  
San Francisco Spina Bifida Association, (Past) Vice President