

Fish and Game

Code

1969



4606. Any wilful violation of the provisions of a permit issued under this chapter is unlawful.
(Amended by Stats. 1957, Ch. 1496.)

CHAPTER 7. WILD BOAR

(The heading of Chapter 6 amended and renumbered
Stats. 1957, Ch. 1972)

4650. It is unlawful to take wild boar by means of a trap in Monterey County.

CHAPTER 8. FULLY PROTECTED MAMMALS (Chapter 8 added by Stats. 1957, Ch. 1972)

4700. Fully protected mammals are: sea otter (genus *Enhydra*), Guadalupe fur seal (genus *Arctocephalus*), sea elephant (genus *Mirounga*), ringtailed cat (genus *Bassariscus*) and mountain sheep (genus *Ovis*).

Fully protected mammals or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal and no permits or licenses heretofore issued shall have any force or effect for any such purpose; provided, however, that a legally purchased or imported fully protected mammal or part thereof may be possessed under a permit issued by the department.

(Amended by Stats. 1968, Ch. 855.)

CHAPTER 9. BEAR

(Chapter 9 added by Stats. 1957, Ch. 1916)

4750. It is unlawful to take any bear with firearm, trap, or bow and arrow without first procuring a license tag authorizing the taking of such bear in accordance with the provisions of this chapter, but no iron or steel-jawed or any type of metal-jawed trap shall be used to take any bear.

(Amended by Stats. 1967, Ch. 310.)

4751. Any person 12 years of age or over who possesses a valid hunting license may, upon payment of one dollar (\$1), procure the number of bear license tags corresponding to the number of bear that may legally be taken by one person during the current license year.

(Amended by Stats. 1959, Chs. 248 and 270. The amendments to this section shall become operative on July 1, 1960.)

4752. Bear license tags are valid only during that portion of the current hunting license year in which bear may be taken or possessed in any district.

(Added by Stats. 1957, Ch. 1916.)

4753. The holder of a bear license tag shall carry the tag while hunting bear, and upon the killing of any bear shall immediately fill out both parts of the tag and punch out clearly

attached to the ear of the bear and kept attached during open season and for 15 days thereafter. The other part of tag shall be immediately sent to the department. Possession of any untagged bear shall be a violation of this section.

(Added by Stats. 1957, Ch. 1916.)

4754. Any person who violates any provision of this chapter shall forfeit his bear license tags, and no new license tag may be issued to that person during the then current license year for hunting licenses.

(Added by Stats. 1957, Ch. 1916.)

4755. Any person legally killing a bear in this State shall have the license tag countersigned by a fish and game commissioner, a person employed in the department, a person designated for this purpose by the commission, or by a justice of the peace, notary public, postmaster, peace officer or any officer authorized to administer oaths, before transporting a bear except for the purpose of taking it to the nearest town or city authorized to countersign the license tag, on the route to be followed from the point where the bear is taken.

(Added by Stats. 1957, Ch. 1916.)

4756. Except as provided in this section it is unlawful to use dogs to hunt, pursue, or molest bears.

The use of one dog per hunter is permitted for the hunting of bears during the time that the season is open for the taking of deer in the area of the State affected.

The use of more than one dog per hunter is permitted for the hunting of bears during the open season on bears in the area of the State affected except during the period when archery deer seasons or regular deer seasons are open.

In the course of breaking, training or practicing dogs, such dogs may be permitted to pursue bears during the open season on bears from August 1st to September 30th if the area concerned is open to archery deer hunting or regular deer hunting.

It is unlawful for any person breaking, training, or practicing such dogs to carry, or have under his immediate control, any firearm or bow and arrow of any kind except during the open season on bear.

(Added by Stats. 1957, Ch. 1916.)

4757. Any person taking any bear must retain in his possession during the open season thereon, and for 15 days thereafter, the skin and portion of the head bearing the ears, and must produce the skin and portion of the head upon the demand of any officer authorized to enforce the provisions of this code.

(Added by Stats. 1957, Ch. 1916.)

4758. Subject to the provisions of this code permitting the sale of domestically raised game mammals, it is unlawful to sell or purchase any bear meat in this State.

(Added by Stats. 1957, Ch. 1916.)

4759. The skin or hide of any bear lawfully taken and possessed for the period provided in Section 4757, may

RETURN TO:

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
1416 NINTH STREET
BOX 944209
SACRAMENTO, CA 94244-2090

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND GAME

**1970 Supplement to:
FISH AND GAME CODE**

Ronald Reagan
Governor of California

G. Ray Arnett
Director of Fish and Game

FISH AND GAME COMMISSION

C. Rans Pearman, <i>President</i>	San Gabriel
Sherman Chickering, <i>Vice President</i>	San Francisco
Joseph Russ, III	Ferndale
Peter T. Fletcher	Rancho Santa Fe
Timothy M. Doheny	Los Angeles

1416 Ninth Street
SACRAMENTO 95814



Compiled by
LESLIE F. EDGERTON
Executive Secretary, Fish and Game Commission

bears the antlers, and shall produce the designated portion of the head upon the demand of any officer authorized to enforce the provisions of this code.

(Amended by Stats. 1970, Ch. 111.)

4303. The skin or hide of any deer lawfully taken may be sold, purchased, tanned, or manufactured into articles for sale.

Skins or hides of deer lawfully taken may be donated at any time to veterans' organizations or veterans' service committees for use by veterans for rehabilitation purposes.

(Amended by Stats. 1970, Ch. 111.)

4336. The holder of a deer license tag shall carry the tag while hunting deer, and upon the killing of any deer, shall immediately fill out both parts of the tag and punch out clearly the date of the kill. One part of the deer license tag must be immediately attached to the antlers of antlered deer or to the ear of any other deer and kept attached during the open season and for fifteen (15) days thereafter. The other part of the tag shall be immediately sent to the department after it has been countersigned.

Except as otherwise provided, possession of any untagged deer shall be a violation of this section.

(Amended by Stats. 1970, Ch. 111.)

4700. Fully protected mammals or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected mammal and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research. Legally imported fully protected mammals or parts thereof may be possessed under a permit issued by the department.

The following are fully protected mammals:

- (a) Morro Bay kangaroo rat (*Dipodomys heermanni morroensis*)
 - (b) Bighorn sheep (*Ovis canadensis*)
 - (c) Northern elephant seal (*Mirounga angustirostris*)
 - (d) Guadalupe fur seal (*Arctocephalus townsendi*)
 - (e) Ring-tailed cat (*Genus bassariscus*)
 - (f) Pacific right whale (*Eubalaena sieboldi*)
 - (g) Salt-marsh harvest mouse (*Reithrodontomys raviventris*)
 - (h) Southern sea otter (*Enhydra lutris nereis*)
 - (i) Wolverine (*Gulo luscus*)
- (Amended by Stats. 1970, Ch. 1036.)

5050. Fully protected reptiles and amphibians or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to

authorize the issuance of permits or licenses to take any fully protected reptile or amphibian and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research. Legally imported fully protected reptiles or amphibians or parts thereof may be possessed under a permit issued by the department.

The following are fully protected reptiles and amphibians:

- (a) Blunt-nosed leopard lizard (*Crotaphytus wislizenii silus*)
 - (b) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*)
 - (c) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*)
 - (d) Limestone salamander (*Hydromantes brunus*)
 - (e) Black toad (*Bufo boreas exsul*)
- (Added by Stats. 1970, Ch. 1036.)

5515. Fully protected fish or parts thereof may not be taken or possessed at any time and no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to take any fully protected fish and no such permits or licenses heretofore issued shall have any force or effect for any such purpose; except that the commission may authorize the collecting of such species for necessary scientific research. Legally imported fully protected fish or parts thereof may be possessed under a permit issued by the department.

The following are fully protected fish:

- (a) Colorado River squawfish (*Ptychocheilus lucius*)
 - (b) Thicktail chub (*Gila crassicauda*)
 - (c) Mohave chub (*Gila mohavensis*)
 - (d) Lost River sucker (*Catostomus luxatus*)
 - (e) Modoc sucker (*Catostomus microps*)
 - (f) Shortnose sucker (*Chasmistes brevirostris*)
 - (g) Humpback sucker (*Xyrauchen texanus*)
 - (h) Owens River pupfish (*Cyprinoden radiosus*)
 - (i) Unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*)
 - (j) Rough sculpin (*Cottus asperrimus*)
- (Added by Stats. 1970, Ch. 1036.)

5652. It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high-water mark of the waters of the state, any cans, bottles, garbage, rubbish, or the viscera or carcass of any dead mammal, or the carcass of any dead bird.

This section does not apply to a refuse disposal site which is authorized by the appropriate local agency having jurisdiction

Chris Kofron

From: Osborn, Scott@Wildlife
Sent: Wednesday, April 15, 2015 2:58 PM
To: Chris Kofron (Chris_Kofron@fws.gov)
Subject: FW: reference for fully protected status for Morro Bay kangaroo rat
Attachments: image001.jpg

Hi, Chris. Our legal office found the definitive answer by comparing successive years of the FP statutes. I'm waiting to receive the attachments comparing the 1969 and 1970 FP mammals list, which shows MBKR was added to the list effective 1970.

The reference Angela provided below refers to the chaptering of a statute passed by the Legislature, which is the point at which a legislative bill become law.

More later today or tomorrow.

Scott

-----Original Message-----

From: Donlan, Angela@Wildlife
Sent: Wednesday, April 15, 2015 2:52 PM
To: Osborn, Scott@Wildlife
Subject: RE: reference for fully protected status for Morro Bay kangaroo rat

I'm on my way home but I'll scan them again from home and resend in an hour or so.

From: Osborn, Scott@Wildlife
Sent: Wednesday, April 15, 2015 2:35 PM
To: Donlan, Angela@Wildlife; Bauer, Lacy@Wildlife
Subject: RE: reference for fully protected status for Morro Bay kangaroo rat

Wonderful! Thanks very much, Angela! However, the attachments didn't come through. Could you resend?

Thanks again,

Scott

From: Donlan, Angela@Wildlife
Sent: Wednesday, April 15, 2015 2:34 PM
To: Osborn, Scott@Wildlife; Bauer, Lacy@Wildlife
Subject: RE: reference for fully protected status for Morro Bay kangaroo rat

Hi Scott,

Attached are copies of the fully protected mammal provision in 1969 and 1970. As you can see, the MBKR was not added to the statute until 1970. I believe the cite would be

Stats. 1970, ch. 1036, section 6, pp. 1848-1849.

Hopefully that's what he's looking for.

Thanks,
Angela

Angela Donlan
Senior Staff Counsel
California Department of Fish and Wildlife
(916)651-7644

From: Osborn, Scott@Wildlife
Sent: Tuesday, April 14, 2015 7:19 AM
To: Donlan, Angela@Wildlife; Bauer, Lacy@Wildlife
Subject: FW: reference for fully protected status for Morro Bay kangaroo rat

Hi Angela and Lacy -

I'm sorry to send you what may seem like a bizarre information request, but I can't figure out any other way to get the information a colleague has asked for (see below). Basically, we are wondering what year the various fully-protected mammals were designated as such. There is some information about the FP lists online, but no definitive information (that we can find) as to the actual date of enactment for each of the species.

I am wondering if OGC has copies of Code books going back to the 1960s and, if so, if someone in your office could review the sections 4700 in successive years, starting when the first FP statutes were enacted in order to get the historical record of FP status?

If there is another way to get this information, please let me know. Otherwise, I'm hoping there may be an intern or admin person in your office who could take a little time to compile this information for us. If not, perhaps we could send a Sci Aid from our program over to your office to review the Code books.

Thanks in advance for your thoughts and help.

Scott

Scott D. Osborn, Ph.D.
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From: Chris Kofron [mailto:chris_kofron@fws.gov]
Sent: Monday, April 13, 2015 4:50 PM
To: Osborn, Scott@Wildlife
Subject: RE: reference for fully protected status for Morro Bay kangaroo rat

Ok, thanks for you efforts, Scott. Hopefully the legal office can tell us when MBKR was designated a fully protected species.

Best regards,

Chris Kofron
Senior Biologist and Recovery Permit Coordinator U.S. Fish and Wildlife Service
2493 Portola Rd., Suite B
Ventura, CA 93003

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From: Osborn, Scott@Wildlife [mailto:Scott.Osborn@wildlife.ca.gov<mailto:Scott.Osborn@wildlife.ca.gov>]
Sent: Monday, April 13, 2015 4:47 PM
To: Chris Kofron
Subject: RE: reference for fully protected status for Morro Bay kangaroo rat

Hi Chris -

That's an interesting question. I usually just cite the relevant code for such designations (in this case, our legal folks would use this format: Fish & G. Code, § 4700, but you can abbreviate "Fish and Game Code section" however is appropriate for your journal). In some cases, the code book provides the date of enactment of a section, but unfortunately section 4700 was amended in 2011, which wiped out the reference to previous dates.

From another source I have section 4700 being created in 1957. If that's correct, and if your information about MBKR being designated in 1968, then the list must have been amended a decade or so after it was introduced.

Well, I really don't know what to suggest if you want a reference for the year the Legislature made MBKR a fully-protected species. I will dig around a bit to see if someone in my program has a reference we can use. The only other alternative I can think of is to go to a law library and check successive Code books (which are published each year) to find out the year MBKR shows up, and then cite that year's edition.

I'll write to our legal office to see if someone will do that for me (assuming they have all the Code books from years past!).

I'll let you know if I turn anything up.

Scott

From: Chris Kofron [mailto:chris_kofron@fws.gov]
Sent: Monday, April 13, 2015 4:15 PM
To: Osborn, Scott@Wildlife
Subject: reference for fully protected status for Morro Bay kangaroo rat

Dear Scott,

Francis Villablanca and I have the following statement in a draft paper, and the editor wants us to provide a reference.

"In addition, the Morro Bay kangaroo rat was designated as fully protected by the California State Legislature in 1968 (reference?).

We know the following FG Code is the relevant one, but no where can we find anything to cite. Can you assist please, and provide a reference for this?

[cid:image001.jpg@01D07789.611B5330]

Thanks. Looking forward to your response. Sincerely,

Chris Kofron

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