

FILE NO. 130161

Petitions and Communications received from February 15, 2013, through February 25, 2013, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on March 5, 2013.

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 Supervisor Scott Wiener, submitting memo regarding Land Use and Economic Development Committee Report. (1)

From Clerk of the Board, reporting the following individuals have submitted a Form 700 Statement: (2)

Joseph Smooke – Legislative Aide – Assuming
Supervisor London Breed – LAFCo – Assuming
Harvey Rose – Budget & Legislative Analyst – Annual
Severin Campbell – Budget & Legislative Analyst – Annual

From Controller, submitting City Services Benchmarking Report: Jail Population. (3)

From Elections, regarding certification of the “Prescription Drug Purchasing” initiative petition. Copy: Each Supervisor. (4)

From Fish and Game Commission, regarding “Practice of Falconry”. Copy: Each Supervisor. (5)

From Fish and Game Commission, regarding Klamath-Trinity Rivers salmon sport fishing. Copy: Each Supervisor. (6)

From Uptown Parking Corporation, regarding new lease to manage the Sutter Stockton Garage. File No. 121185. Copy: Each Supervisor. (7)

From concerned citizens, regarding renaming of San Francisco International Airport. File No. 130037. Copy: Each Supervisor. 2 letters. (8)

From concerned citizens, regarding Woodhouse Marina Green Project. File No. 120987. Copy: Each Supervisor. 3 letters. (9)

From Julie Burns, regarding gun legislative proposals. File Nos. 130039 and 130040. (10)

From concerned citizens, regarding Central Subway – Pagoda. File No. 130019. Copy: Each Supervisor. 5 letters. (11)

From Gold Rush Expeditions, regarding abandoned mines on BLM land. (12)

From Community Housing Partnership, regarding tragedy on Treasure Island. (13)

From Christopher Vanderhorst, regarding Yellow Pages ban in San Francisco. (14)

From James Miller, regarding bikes on Market Street. (15)

From John Frankel, regarding parking meters at AT&T Park. (16)

From Keiko Fukuda Joshi Judo Inc., submitting request for contribution to memorial fund. Copy: Each Supervisor. (17)

From SafetyBeltSafe U.S.A., regarding Safety Seat Checkup Week. Copy: Each Supervisor. (18)

From concerned citizens, regarding “Resolution expressing opposition to the indefinite detention provisions of the National Defense Authorization Act”. File No. 130151. Copy: Each Supervisor. 2 letters. (19)

From Zachary Wettstein, regarding support for SFERS Carbon Divestment Resolution. File No. 130123. (20)

From Roland Salvato, regarding SF CEQA Reform. (21)

From Scott Houghton, regarding Sunday parking. (22)

From Aric Doo, regarding street vendors. (23)

From Veterans Affairs Commission, regarding legislation sent to Governor Brown. Copy: Each Supervisor. (24)

*From San Francisco Health Commission, submitting 2011-2012 Annual Report. Copy: Each Supervisor. (25)

*(An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is available at the Clerk’s Office, Room 244, City Hall.)

Member, Board of Supervisors
District 8



Orig. Comm Clerk LU
CLCOB, Leg Dep,
cpaye
City and County of San Francisco

SCOTT WIENER
威善高

DATE: February 20, 2013
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor Scott Wiener
RE: Land Use and Economic Development Committee
COMMITTEE REPORT

SW

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB 20 PM 12:17
AK

Pursuant to Board Rule 4.20, as Chair of the Land Use and Economic Development Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on February 26, 2013, as a Committee Report:

130019 Planning Code, Zoning Map - Central Subway Project - Pagoda Palace and Tunnel Boring Machine Extraction Site Special Use Districts

Ordinance amending the Planning Code, by adding Section 249.70, to create the Central Subway Tunnel Boring Machine Extraction Site Special Use District for the property located at Assessor's Block No. 0101, Lot No. 004, known as 1731-1741 Powell Street, to facilitate the removal of the tunnel boring machines used in the construction of the Central Subway Project and allow the construction of a previously approved mixed-use residential/retail building; amending Sectional Zoning Maps HT 01 and SU 01 to reflect the Central Subway Tunnel Boring Machine Extraction Site Special Use District; adopting findings, including environmental findings, and findings of consistency with the General Plan.

This matter will be heard in the Land Use and Economic Development Committee on February 25, 2013, at 10:00 a.m.

①

BOARD of SUPERVISORS

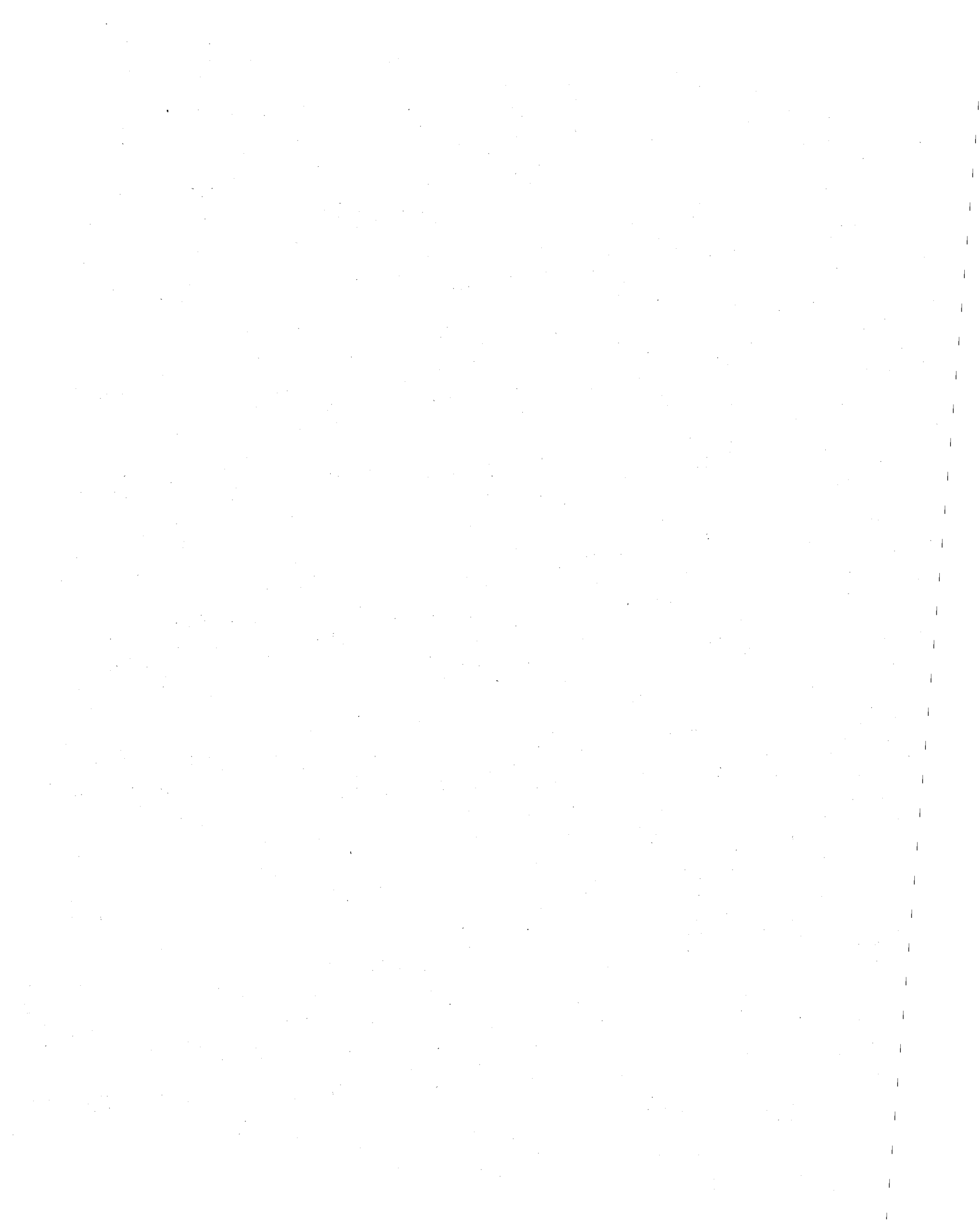


City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

Date: February 22, 2013
To: Honorable Members, Board of Supervisors
From: Angela Calvillo, Clerk of the Board
Subject: Form 700

This is to inform you that the following individuals have submitted a Form 700 Statement:

Joseph Smooke - Legislative Aide – Assuming
Supervisor London Breed – LAFCo – Assuming
Harvey Rose – Budget & Legislative Analyst – Annual
Severin Campbell - Budget & Legislative Analyst – Annual



From: Chapin-Rienzo, Shanda on behalf of Reports, Controller
Sent: Thursday, February 21, 2013 1:25 PM
To: Calvillo, Angela; Nevin, Peggy; BOS-Legislative Aides; BOS-Supervisors; Kawa, Steve; Falvey, Christine; Elliott, Jason; Campbell, Severin; Newman, Debra; sfdocs@sfpl.info; gmetcalf@spur.org; CON-Media Contact; CON-EVERYONE; CON-CCSF Dept Heads; CON-Finance Officers; Brin, Ellen; Devoy, Kathy; Fahey, Susan; Mirkarimi, Ross
Subject: Issued: City Services Benchmarking Report: Jail Population

The Office of the Controller has issued its second in a series of benchmarking reports. The purpose of the City Services Benchmarking Report is to share comparative city service data from San Francisco and other peer jurisdictions. This report focuses on jail populations at county jail facilities. Utilizing publicly available data for 2011 from the California Board of State and Community Corrections, the City and County of San Francisco is compared to seven counties: Alameda, Fresno, Los Angeles, Sacramento, San Diego, Santa Clara, and San Mateo.

The report includes measures in six areas: jail population and incarceration rates, jail bookings, corrections/detention budget, sentenced and non-sentenced inmates, levels of security, and felony and misdemeanor populations.

To view the full report, please visit our website at: <http://co.sfgov.org/webreports/details.aspx?id=1541>

You can also access the report on the Controller's website (<http://www.sfcontroller.org/>) under the News & Events section and on the Citywide Performance Measurement Program website (www.sfgov.org/controller/performance) under the Performance Reports section.

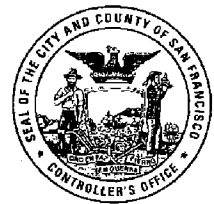
For more information please contact:

Office of the Controller
City Services Auditor Division
Phone: 415-554-7463
Email: CSA.ProjectManager@sfgov.org

City and County of San Francisco

Office of the Controller – City Services Auditor

**City Services Benchmarking Report:
Jail Population**



February 21, 2013

CONTROLLER'S OFFICE

CITY SERVICES AUDITOR

The City Services Auditor was created within the Controller's Office through an amendment to the City Charter that was approved by voters in November 2003. Under Appendix F to the City Charter, the City Services Auditor has broad authority for:

- Reporting on the level and effectiveness of San Francisco's public services and benchmarking the city to other public agencies and cities.
- Conducting financial and performance audits of city departments, contractors, and functions to assess efficiency and effectiveness of processes and services.
- Operating a whistleblower hotline and website and investigating reports of waste, fraud, and abuse of city resources.
- Ensuring the financial integrity and improving the overall performance and efficiency of city government.

Project Team:

Peg Stevenson, Director
Michelle Schurig, Project Lead
Kyle Burns, Analyst
Kate Cohen, City Hall Fellow





City and County of San Francisco

Office of the Controller - City Services Auditor

City Services Benchmarking Report: Jail Population

February 21, 2013

Purpose

Appendix F, Section 101 of the City and County of San Francisco Charter requires that the City Services Auditor (CSA) monitor the level and effectiveness of services provided by the City and County of San Francisco. Specifically, CSA must assess measures of effectiveness including the quality of service provided, citizen perceptions of quality, and how well a service meets the needs for which it was created. This report, which includes data from 2011 – 2012, provides a benchmarking analysis for jail population. Eight counties were compared. These are San Francisco, Alameda, Fresno, Los Angeles, Sacramento, San Diego, Santa Clara, and San Mateo.

Highlights

- San Francisco has the lowest percentage of misdemeanor offenders (2.2%) and the highest percentage of felony offenders (97.8%) as a percentage of the County's average daily jail population (ADP) compared to other counties included in this report. This is likely driven by San Francisco's well developed use of diversion programs in lieu of incarceration and to a focus on more serious offenses. A small increase in the felony population has been driven by the State's realignment of prisoners and parolees to local jail and probation systems under Assembly Bill (AB) 109.
- San Francisco's incarceration rate is 190 inmates for every 100,000 residents, equal to the average for other counties. San Mateo's incarceration is approximately 30% lower at 134 inmates for every 100,000 residents. Sacramento has a significantly higher incarceration rate of approximately 280 inmates per 100,000 residents.
- San Francisco spends approximately \$63,000 per inmate in its jails, approximately \$13,000 more than the average of other counties. San Mateo and Santa Clara both spend more per inmate than San Francisco, while Los Angeles, San Diego, and Alameda spend less. Sacramento spends approximately \$30,000 per inmate, less than half the spending level in San Francisco.
- The mix of misdemeanor and felony inmates is a driver of the cost differences in the benchmark surveyed counties – San Francisco has a higher percentage of both maximum and medium security inmates (91.5%) than the average of the surveyed counties (77%).
- The percentage of San Francisco's jail population that is not yet sentenced and is awaiting trial is higher than the survey average – 82.5% of inmates in San Francisco versus the 72.9% average for the surveyed jurisdictions.

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Quarterly Benchmarking Reports

Jail Population

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Scope of the Report

This report is part of a broad effort by the Controller's Office to conduct benchmarking, performance management, and best practices comparisons of San Francisco's services. For more information, visit the Controller's website at www.sfcontroller.org/index.aspx?page=75

The Jail Population Benchmarking Report is the second in a series of reports to compare San Francisco's services, expenditures and performance levels relative to other counties. This report utilizes publically available data for 2011 from the California Board of State and Community Corrections (www.bscc.ca.gov/programs-and-services/cpp/resources/jail-profile-survey). The report provides data on local county jail facilities as a component of the overall criminal justice system. Data submitted to the California Board of State and Community Corrections are self-reported. This report provides comparative data on the following measures:

- Daily Jail Population
- Cost per Average Daily Jail Population
- Jail Bookings
- Security Classifications – Minimum, Medium, and Maximum
- Offense Classifications – Misdemeanor and Felony

Budget data in the report reflects fiscal year 2012 operating budget figures for eight counties. Budget data was gathered from county finance department websites and reflects approved budgets for Corrections and Detention. The counties were also surveyed to assess the comparability of budget data. There are variations between county corrections and detention budgets, but our survey work indicates that the major categories of costs are comparable including salaries and benefits, facility costs, and prisoner costs such as clothing, food and personal supplies.

There are many policy changes impacting California's criminal justice system that will be interesting to follow in the upcoming years. In response to the Supreme Court mandate to reduce California jail populations by May 2013¹, California instituted Assembly Bill (AB) 109, the Public Safety Realignment Act. As a result, California now sends many lower-level felony offenders and parole violators to local custody instead of to state prison. Since realignment began on October 1, 2011, the total in-custody state prison population has decreased by 12 percent, from 161,000 to 141,000 inmates at the end of February 2012².

The eight counties included in this report are: San Francisco, Alameda, Fresno, Los Angeles, Sacramento, San Diego, Santa Clara, and San Mateo. Counties were primarily selected based on their proximity to the Bay Area. Los Angeles and San Diego counties were selected because they represent the two largest counties in California by population. County characteristics such as size, density and population profiles differ and likely account for some variations in jail systems. Please see Page 15 of this report for areas of future research and benchmarking.

¹ <http://ceb.com/lawalerts/Criminal-Justice-Realignment.asp>

² http://www.ppic.org/main/publication_show.asp?i=702, California Department of Corrections and Rehabilitation data, 1990–2011; Census Bureau data, 2010.

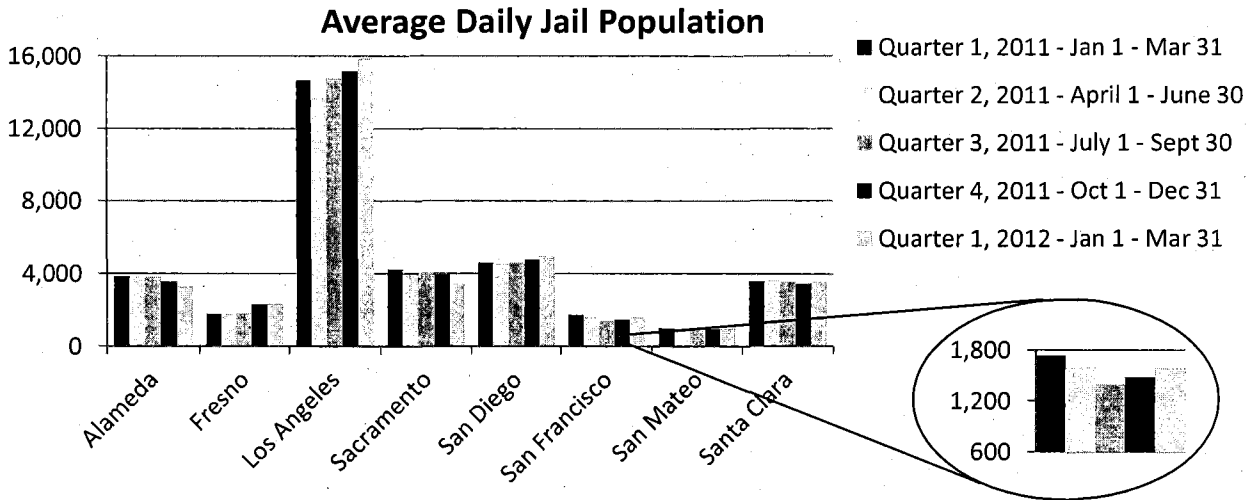
Findings

A. Jail Population and Incarceration Rates

The United States has the highest documented incarceration rates in the world. According to the Bureau of Justice Statistics, 2,266,800 adults were incarcerated in the U.S. at year-end 2010, about 0.7% of adults in the U.S. resident population³.

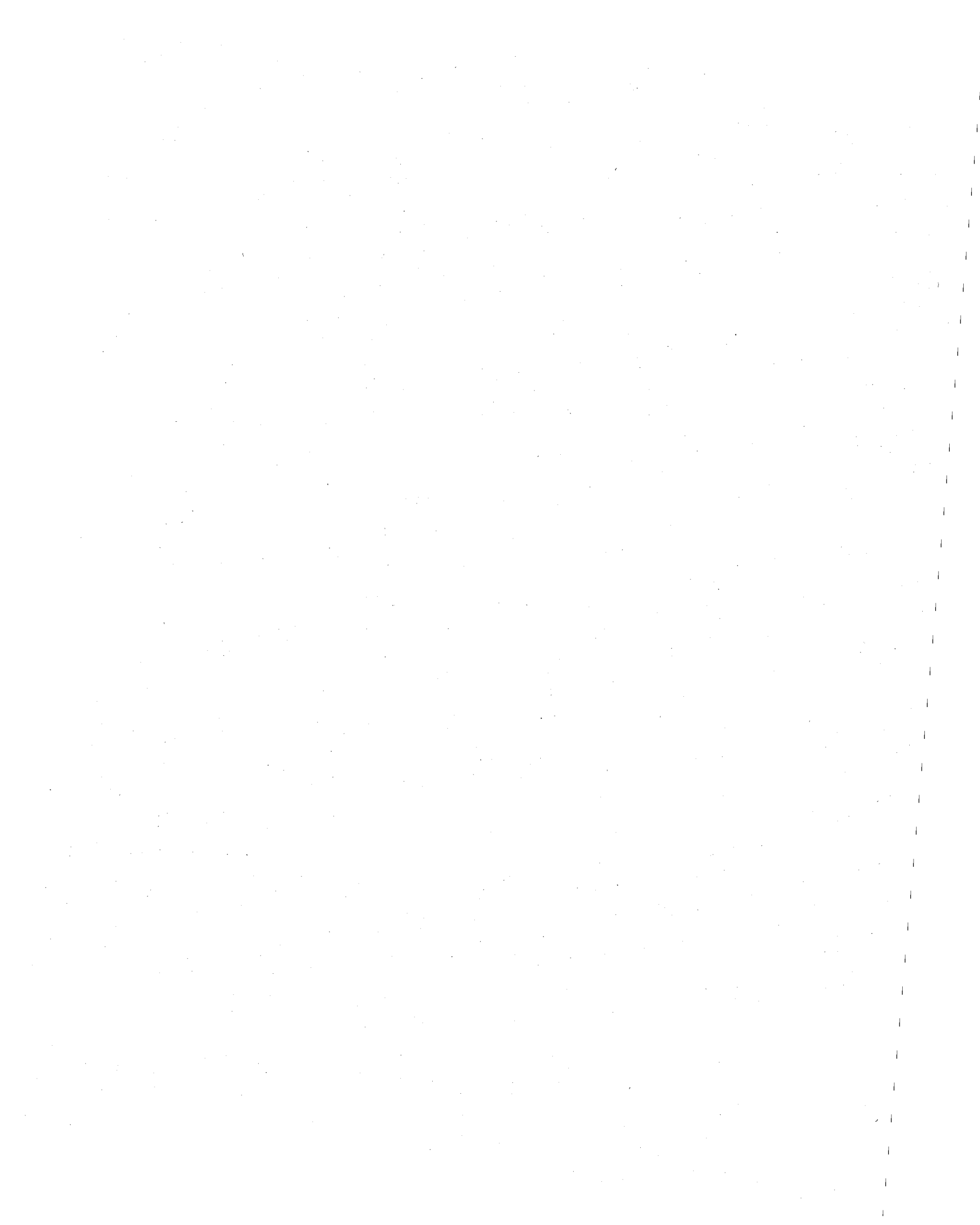
Average Daily Jail Population (ADP) is a measure of jail usage calculated by adding the number of inmates in jail each day for one year and dividing by the number of days in the year. ADP is a “snapshot” measure with a standard methodology. Repeated snapshots can provide information on jail population trends and changes over time.

The chart below shows ADP by county for five quarters in 2011 - 2012.



- San Francisco’s ADP increased in both Quarter 4, 2011 and Quarter 1, 2012 after decreasing the previous two quarters. San Francisco had the largest ADP percentage increase (7 percent) between Quarter 4, 2011 and Quarter 1, 2012.
- Between late 2011 and early 2012, there was a slight increase in ADP across most counties with the exception of Alameda and Sacramento. This is likely a consequence of AB109, which began in October 2011 and sends more lower-level offenders and parolees to local custody instead of to state prison.

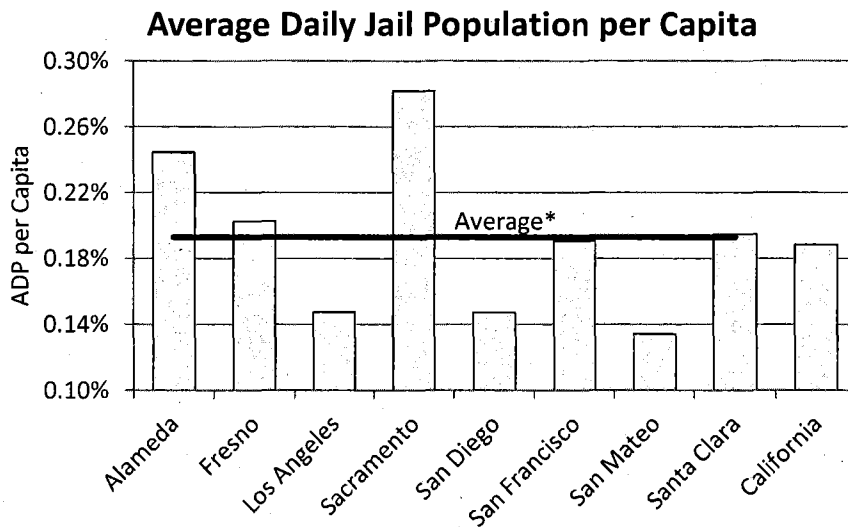
³ Correctional Population in the United States, 2010. *Correctional Population in the United States, 2011*. Bureau of Justice Statistics. <http://bjs.ojp.usdoj.gov/content/pub/pdf/cpus10.pdf>. Retrieved 10 February 2012.



Average Daily Jail Population Per Capita

The following graph shows the ADP per capita for each county; the daily average percentage of the county's population that is in jail. For example, the ADP for San Francisco represents 0.19 percent of San Francisco's entire population.

The chart below shows an ADP comparison of the county jurisdictions on a per capita basis.



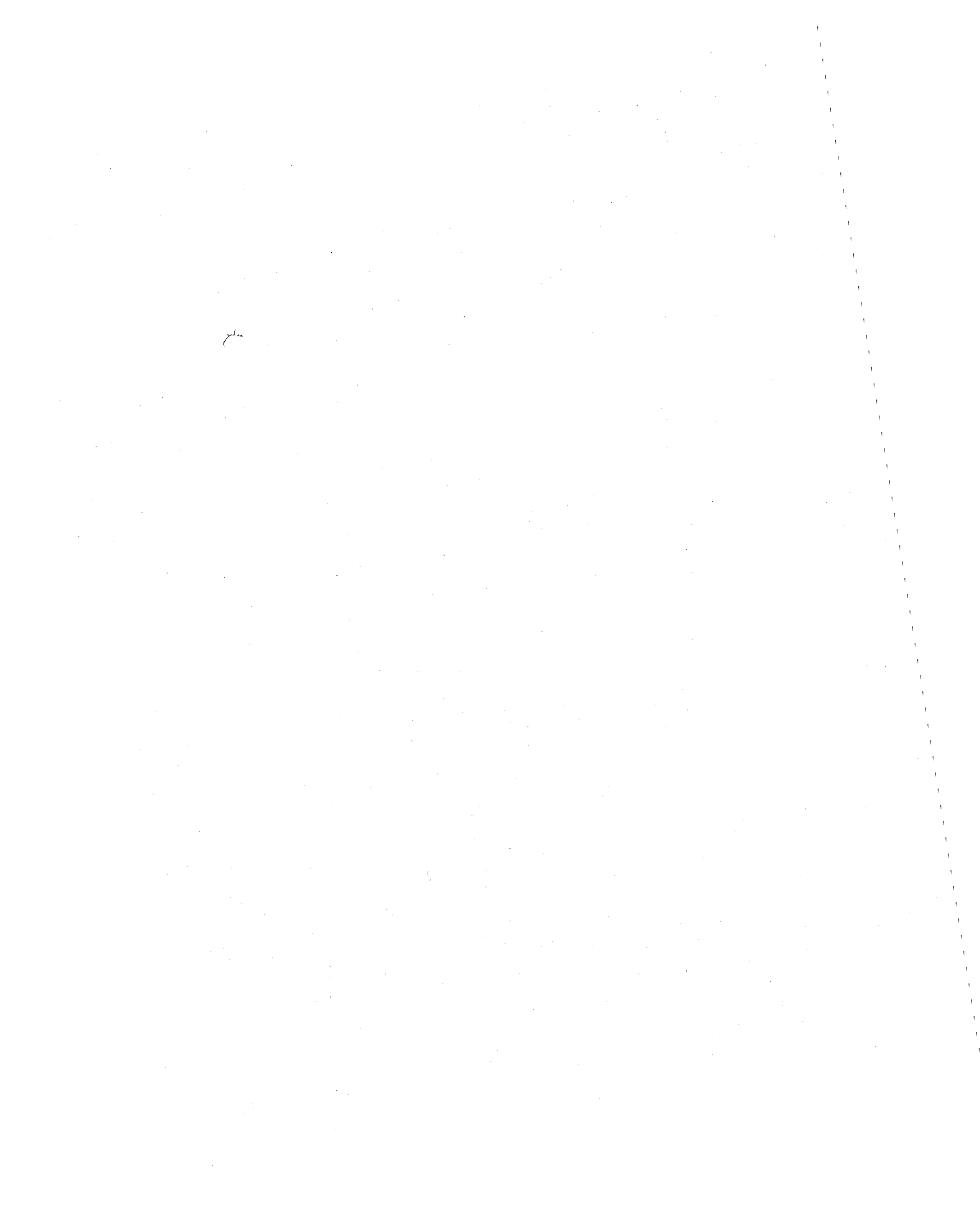
*Average is for selected jurisdictions only and does not include the California per capita figure

- Sacramento has the highest ADP per capita (0.28%), while San Mateo has the lowest (0.13%).
- San Francisco's ADP per capita (0.19%) is comparable to the averages of the other counties and to the California statewide average.
- San Francisco's ADP equals 190 inmates for every 100,000 residents, at the average for other jurisdictions. San Mateo's ADP is approximately 30% lower at 130 inmates for every 100,000 residents.
- Of the counties compared, Los Angeles and San Diego have the largest populations and are nearly five percent below the average ADP per capita across counties and for California.

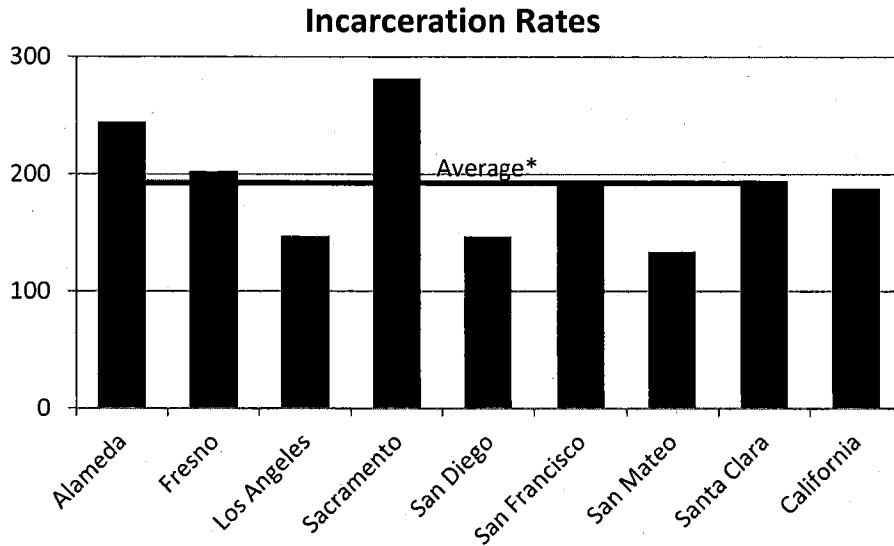
An alternative view of ADP is the number of people in jail/prison per 100,000 residents, a calculation often referred to as the incarceration rate. The incarceration rate for the United States is approximately 730 inmates per 100,000 residents⁴. The United States' incarceration rate is made up of inmates housed in federal, state, and local jail facilities. Local jail facilities make up a major portion of the overall United States incarceration rate.

⁴ International Centre for Prison Studies. (n.d.). World Prison Brief, United States of America. Retrieved October 24, 2012, from [prisonstudies.org](http://www.prisonstudies.org):

http://www.prisonstudies.org/info/worldbrief/wpb_country.php?country=190



The breakdown of ADP per 100,000 residents provides perspective into the incarceration rates for each county compared to the selected jurisdictions average and against the California average for local jails. The chart below shows incarceration rates.



*Average is for selected jurisdictions only and does not include the California figure

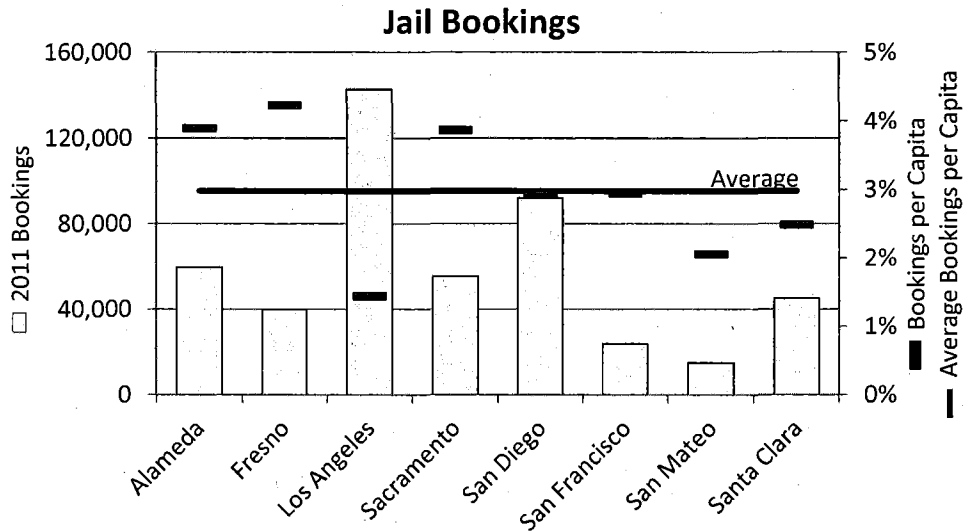
- San Francisco's incarceration rate equals 190 inmates for every 100,000 residents, at the average for other counties. San Mateo's incarceration rate is approximately 30% lower at 134 inmates for every 100,000 residents.
- Sacramento has the highest incarceration rate (282) and Alameda the second highest (245).
- San Mateo has the lowest overall population and the lowest incarceration rate (134).



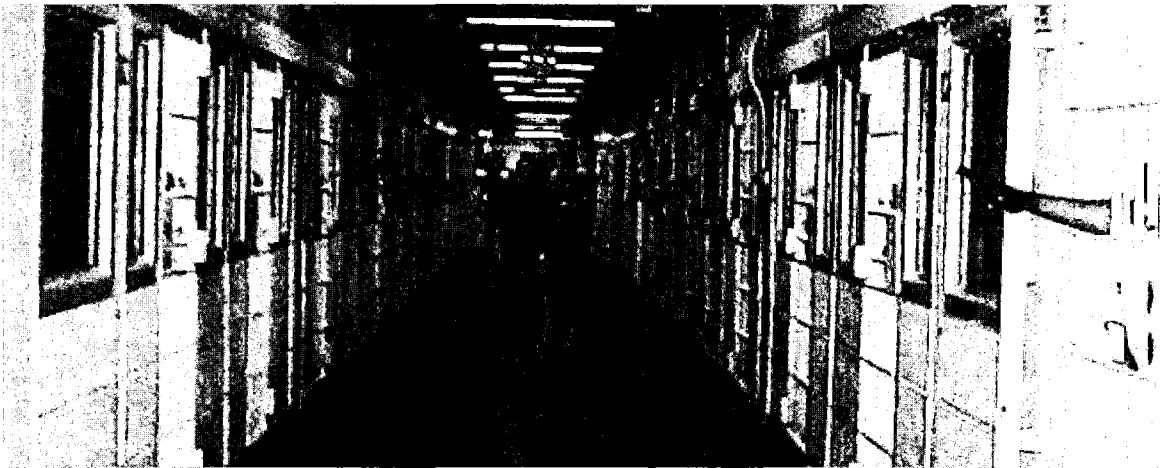
B. Jail Bookings

In criminal law, booking refers to the process by which the police department registers and enters charges against a person believed to have violated the law. The process of booking typically includes recording of the inmate's personal information and description, photograph (also known as mug shot), fingerprinting, and a Department of Justice records check⁵.

In the chart below, average monthly bookings were calculated by adding together the number of inmates booked each month for a year and dividing by the number of months in the year.



- San Francisco's bookings per capita (2.94%) was nearly the same as (or slightly lower than) the selected counties average (2.98%).
- San Mateo had the lowest number of monthly bookings (1,251). San Francisco had the second lowest (1,993).
- While Los Angeles with the largest population had the highest number of monthly bookings (11,905), its percent of bookings per capita was by far the lowest (1.45%).



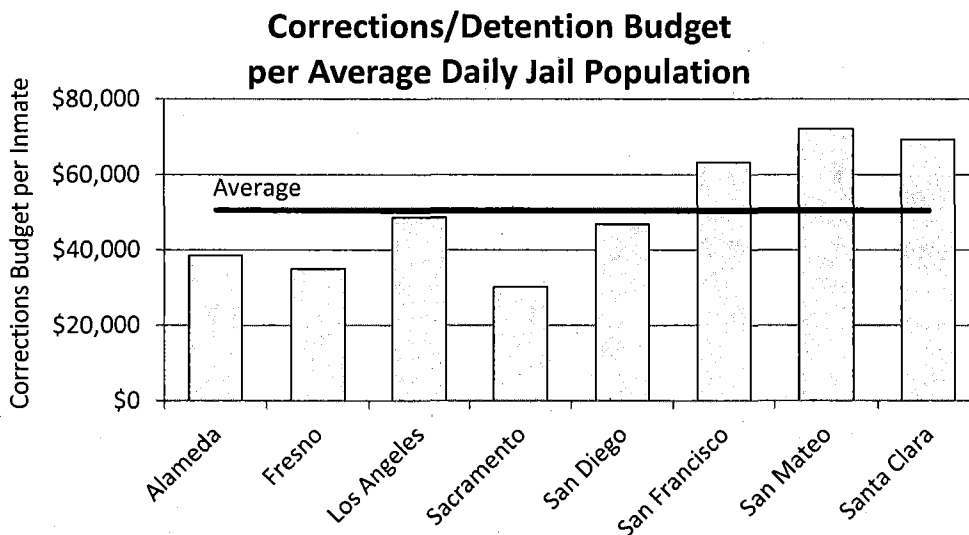
⁵ "Booking Law and Legal Definition", USLegal.com, <http://definitions.uslegal.com/b/booking/>, Retrieved September 18, 2012.

C. Corrections/Detention Budget

While the definition of “corrections” and “detention” varies by county, in general these include all funds required to operate jail facilities, general administrative costs as well as administrative costs for booking and classifying inmates, and costs associated with inmate programs such as academic workshops and training.

In 2007, the United States spent around \$74 billion on corrections, averaging about \$30,600 per inmate⁶. In 2009, California spent an average of \$47,102 a year to incarcerate an inmate in state prison. From 2001 to 2009, the average annual cost increased by about \$19,500 per inmate⁷.

Budget data in the chart below is based on the eight counties’ approved budgets for fiscal year 2012⁸ and was collected from either the Department of Corrections or the Sheriff’s Department, the department responsible for operating county jails. Budget data are based on overall Correction/Detention budgets for the counties and are generally comparable however differences do exist depending on the divisions and programs carried out in county jails. Jail health is not included in the selected counties’ budget data.



- San Mateo, Santa Clara and San Francisco spend more than the eight county average on Corrections/Detention per ADP.
- Sacramento has the highest ADP per capita, but spends the least on Corrections/Detention per ADP with a total budget of \$30,219 per ADP. In comparison, San Francisco spends more than double that amount, spending \$63,229 per ADP.
- Fresno has the lowest overall gross budget (\$67 million) for Corrections/Detention. San Francisco has a budget over \$97 million with a significantly lower ADP than Fresno (19% lower).

⁶ Direct expenditures by criminal justice function, 1982-2001. U.S. Bureau of Justice Statistics. <http://bjs.oip.usdoj.gov/content/glance/tables/exptyptab.cfm>. Retrieved 29 May 2012.

⁷ California Criminal Justice FAQ: How much does it cost to incarcerate an inmate? California Legislative Analyst’s Office (www.lao.ca.gov/laoapp/laomenus/sections/crim_justice/6_ci_inmatecost.aspx?catid=3)

⁸ Due to limitations of available data, Fresno budget information was based on the FY2013 approved budget.

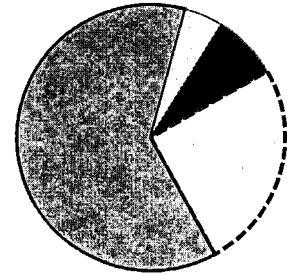
D. Sentenced and Non-Sentenced Inmates

For each county, inmates fall into two categories. "Sentenced" represents inmates that have been convicted of a crime and are serving a court-determined sentence. "Non-Sentenced", represents who have not yet been sentenced and are being held in the jail facility while they await trial.

The chart at the right shows the male and female sentenced and non-sentenced portions of the ADP for all county jail facilities in California. Overall, the jail population statewide is 87.5 percent male and 12.5 percent female.

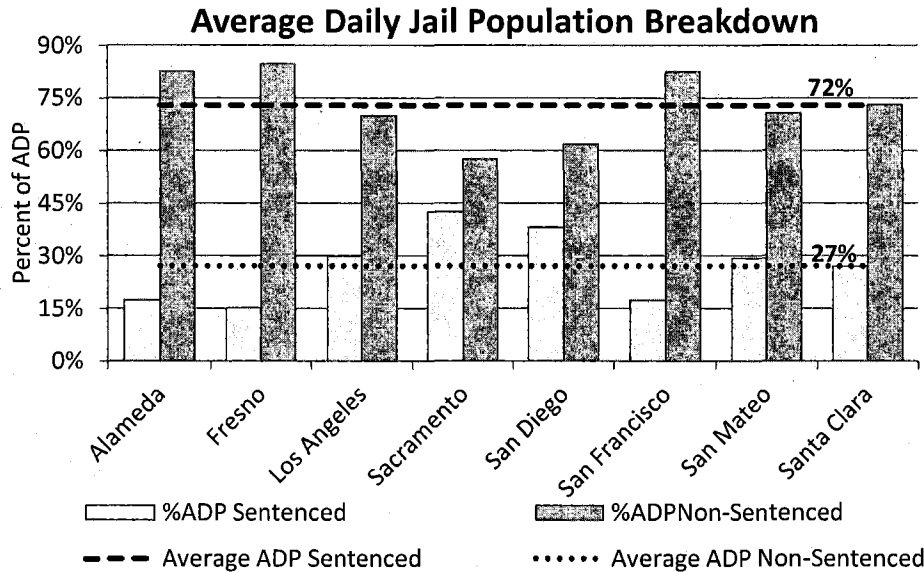
The chart below shows the ADP breakdown by county of sentenced versus non-sentenced inmates.

California ADP*

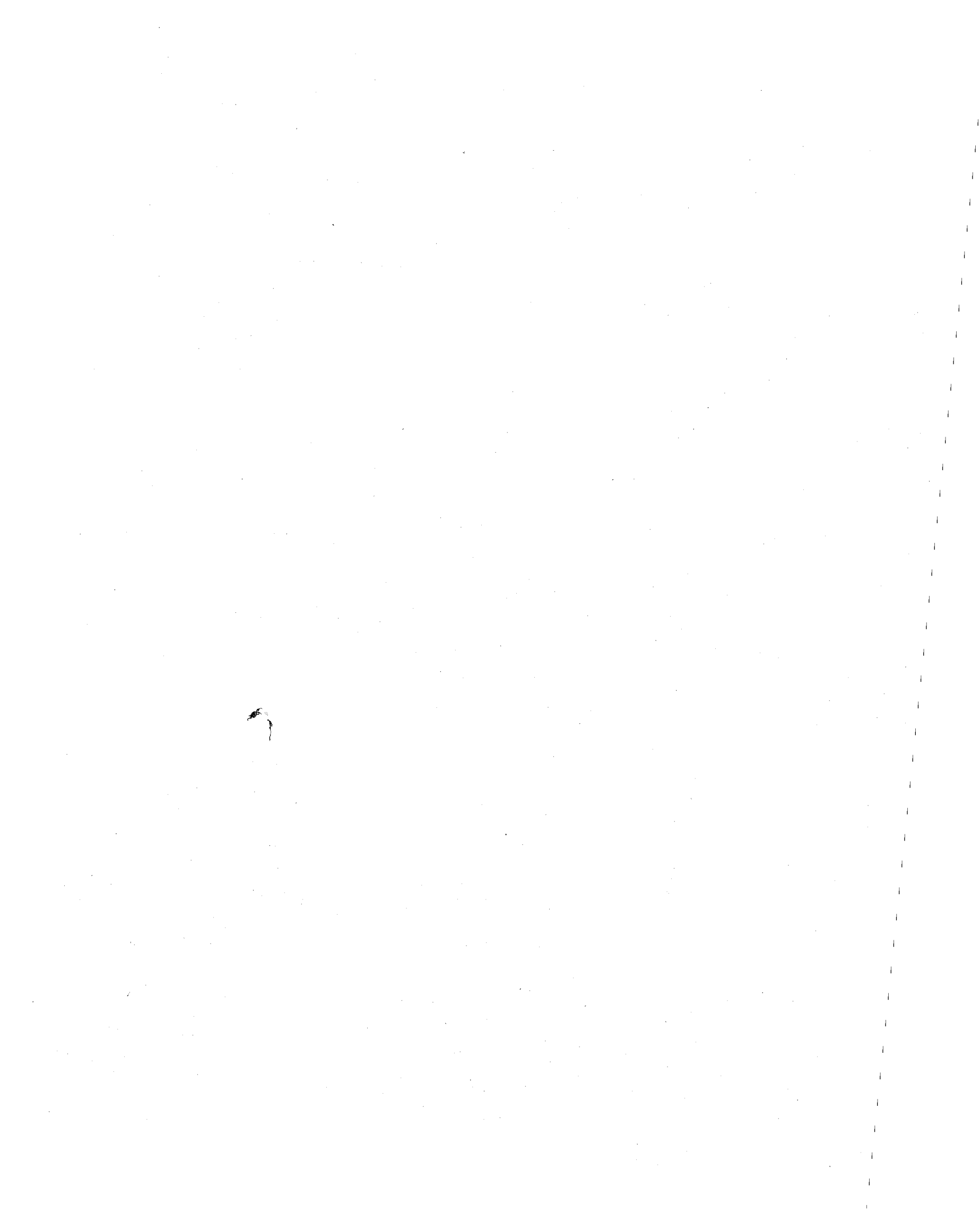


Male Sentenced
 Male Non-Sentenced
 Female Sentenced
 Female Non-Sentenced

*Only includes ADP from county jail facilities



- San Francisco at 17.4% sentenced has a lower percentage of sentenced inmates than the average (27.1%) of the selected counties. This may be due to a variety of factors including that many cases in San Francisco are sent to non-incarceration diversion programs.
- Fresno at 15.3% has the lowest percentage of sentenced inmates, while Sacramento at 42.5% has the highest of the benchmark counties.
- San Francisco, Fresno and Alameda have the highest percentages of non-sentenced inmates. These three jurisdictions also have the highest percent of their ADP made up of felony inmates.
- Overall, the effect is that most of San Francisco's jail population is felony-charged and awaiting trial. By the time sentencing occurs, many cases may already have time served.



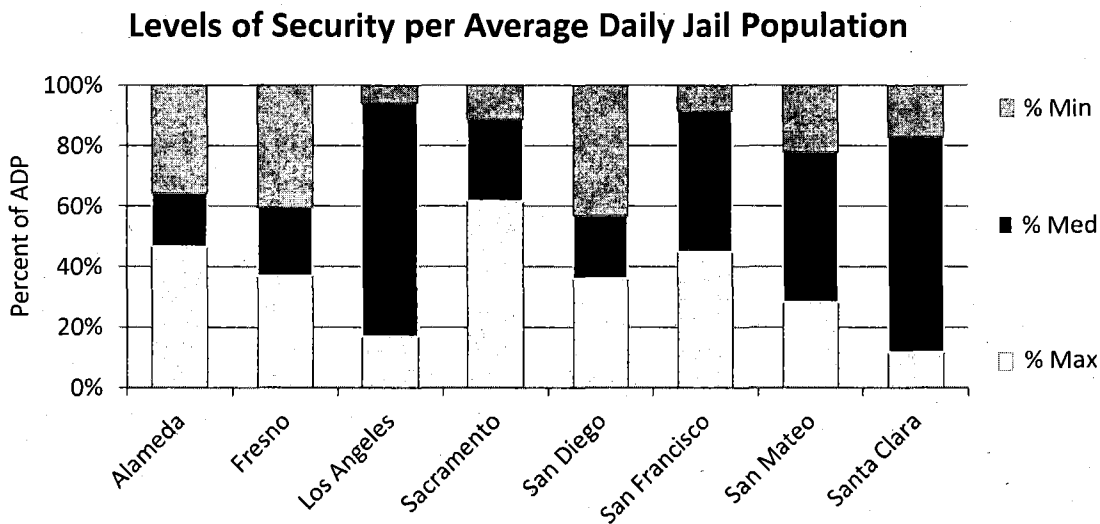
E. Levels of Security

Inmates in the maximum security classification typically display the highest risk to the public, staff, and other inmates. They may pose high escape risks and serious threats to the safe and orderly operation of the jail or have a history of violence in custody. Maximum Security inmates are typically housed separately from the general population and some inmates such as those with mental health issues or violent tendencies sometimes require added housing security.

Inmates in the medium security classification may pose an escape risk or a threat to staff or other inmates, but typically show a willingness to comply with jail rules and regulations. They may have access to increased privileges and/or to job or program opportunities. They are typically housed in the general population quarters.

Inmates in the minimum security classification are not considered a serious risk to the public, other inmates, or facility staff. These inmates may have access to privileges, programs, and work assignments outside their assigned facility. They are housed in the general population quarters⁹.

The chart below shows the percentage of inmates in each security classification.



- San Francisco has a higher percentage of both maximum and medium security inmates in total (91.5%) than the average of the selected counties. San Francisco releases low level security inmates quickly and often sends inmates to diversion programs. Also, AB109 has led to a slight increase in the felon population for San Francisco.
- Los Angeles has the lowest percentage of minimum security inmates (5.9%). San Francisco has the second lowest (8.5%).
- Sacramento's primary jail facility was built as a maximum security jail with no medium or minimum security beds. It is now used to process a majority of the non-sentenced population, skewing the figures for their maximum security population.

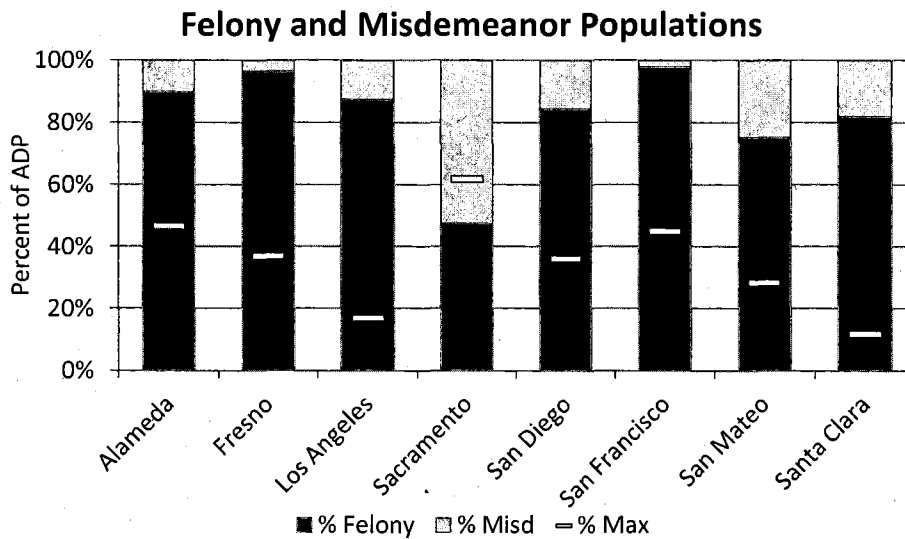
⁹ Leon County Sheriff's Office, Standard Operating Procedure 450.I2, Revised March 6, 2012.
http://www.leoncountieso.com/tools/dms_documents/1676.pdf



F. Felony and Misdemeanor Populations

A misdemeanor is generally defined as a “lesser crime punishable by a fine and/or county jail time for up to one year. Misdemeanors are distinguished from felonies, which are considered to be more serious offenses and can be punished by a state or federal prison term¹⁰.” AB109 redefined felony sentencing practices and shifts responsibility for both supervising and housing certain convicted felons and parolees from the state to the county.¹¹ Therefore, felon populations in county jails are likely to increase.

The following chart shows the percentage of ADP charged with felonies and misdemeanors, as well as the percentage of inmates in maximum security.



- San Francisco has the lowest percentage of misdemeanor offenders (2.2%) and the highest percentage of felony offenders (97.8%) of any surveyed jurisdiction.
- Sacramento has the highest percentage of misdemeanor offenders per ADP.
- In general, San Francisco’s county jail has a higher percentage of inmates in diversion programs in lieu of incarceration and higher release rates. By a large margin, the San Francisco jail population typically consists of individuals awaiting trial who are charged with felonies.

¹⁰“misdemeanor”, Law.com, <http://dictionary.law.com/Default.aspx?selected=1259>, Retrieved September 17, 2012.

¹¹ Prosecutor’s Analysis of the 2011 Criminal Justice Realignment, September 2011. Storten, K., and Rodriguez, R. <http://www.cpoc.org/php/realign/ab109other/CDAARealignGuide.pdf>

Areas for Future Research and Benchmarking

The measures included in this report are initial indicators of the overall make up of county jail populations and present a starting point for comparison; the data represents a high-level snapshot of county jail populations.

Future benchmarking work could be used to develop a deeper understanding of the comparative operations, costs, and outcomes of these systems. Some of the following relationships that were not included in this initial benchmarking survey are likely to be subjects of future research by the Controller's Office:

- Demographic analysis of the inmate population in various counties;
- The impact of court processing efficiency on county jail populations;
- Comparative staffing mixes in use in various jurisdictions;
- Average length of stay for various offense levels;
- Comparative review of the alternatives to detention used in other jurisdictions;
- Overall success of local programs in reducing recidivism rates;
- Comparative measures of safety and health outcomes for both staff and inmates.





JOHN ARNTZ *Orig: Leg Dep.*
Director *c: BOS-11, COB*
Leg Dep,
CPAGE

HAND DELIVERED

02/22/13

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
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ANGELA CALVILLO, CLERK OF THE BOARD

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

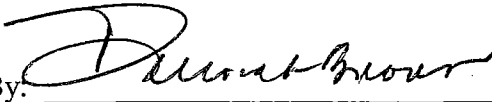
Re: CERTIFICATION OF THE "**PRESCRIPTION DRUG PURCHASING**" INITIATIVE
PETITION

Enclosed is a copy of the letter sent to the proponent of the above named petition, certifying that the petition did contain sufficient valid signatures to qualify for the next general municipal or statewide election occurring at any time after 90 days from the date of the certificate in the City and County of San Francisco.

If you should have any questions or need additional information, please contact Deborah Brown, Manager, Voter Services Division, at (415) 554-5665.

Sincerely,

John Arntz
Director of Elections

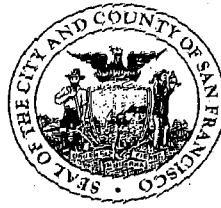
By: 

Deborah Brown
Voter Services Manager

Encl.: Copy of Certified letter to Proponent

Cc: Honorable Edwin Lee; Mayor
John Arntz, Director of Elections
Dennis Herrera, City Attorney

(4)



CERTIFIED MAIL: 7011 2000 0001 6406 5111

02/22/13

Dale R. Gluth
100 Church St.
San Francisco, CA 94114

Re: CERTIFICATION FOR THE **PRESCRIPTION DRUG PURCHASING PETITION**

Dear Mr. Gluth,

As provided in *California Elections Code, Chapter 2, Article 1, Section 9115 (a)*, a random sample of 536 signatures (of the total 17,868 submitted) for the **Prescription Drug Purchasing Initiative Petition** established that the number of valid signatures of registered San Francisco voters was sufficient for the initiative to qualify for the next regularly scheduled election.

Based on this statistical sampling, the total number of valid signatures submitted on this petition was determined to be greater than the 9,702 signatures required for the initiative to be included in the next general municipal or statewide election occurring at any time after 90 days from the date of the certificate.

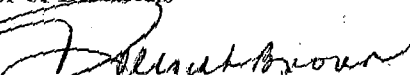
I hereby certify that the **Prescription Drug Purchasing** qualify for the next general municipal or statewide election occurring at any time after 90 days from the date of the certificate in the City and County of San Francisco.

If you should have any questions, please contact me at (415) 554-5665.

Sincerely,

John Arntz
Director of Elections

By: _____


Deborah Brown
Voter Services Manager

cc: Honorable Edwin Lee; Mayor
John Arntz, Director of Elections
Angela Calvillo, Clerk of the Board
Dennis Herrera, City Attorney



Commissioners
Michael Sutton, President
Monterey
Richard Rogers, Vice President
Santa Barbara
Jim Kellogg, Member
Discovery Bay
Jack Baylis, Member
Los Angeles
Vacant, Member

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



BOS-11 electronically
page
Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

February 15, 2013

TO ALL INTERESTED AND AFFECTED PARTIES

This is to provide you with a copy of the notice of proposed regulatory actions relative to "Practice of Falconry," in the sections identified in Title 14, California Code of Regulations, which appeared in the California Regulatory Notice Register on December 14, 2012. Proposed changes to text as set forth in Notice Register 2012, No. 50-Z, remain the same, except nonsubstantial and substantial modifications sufficiently related to the text of the regulations as originally proposed are now shown in double-underline and strikeout-underline. All documents as well as supporting documents are also made available on the Commission's website at <http://www.fgc.ca.gov>.

The proposed language for Section 670 is updated to reflect stakeholder requests made via written comments as well as oral testimony made at the Commission's February 6, 2013 meeting.

NOTE: Since the Commission is required to meet the transition schedule of the Falconry program from Federal to State regulations by September 1, 2013 it is exercising its powers under Section 202 of the Fish and Game Code "Regulations adopted pursuant to this article shall not be subject to the time periods for the adoption, amendment, or repeal of regulations prescribed in Sections 11343.4, 11346.4, 11346.8, and 11347.1 of the Government Code."

Please note the dates of the public hearing related to this matter and associated deadlines for receipt of written and oral comments.

Dr. Eric Loft, Department of Fish and Game, phone (916) 445-3555, has been designated to respond to questions on the substance of the proposed regulations; and inquiries concerning the regulatory process may be directed to me, at (916) 653-4899.

Sincerely,

A handwritten signature in black ink, appearing to read "Jen D. Snellstrom", is written over a circular stamp. The signature is fluid and cursive.

Jen D. Snellstrom
Associate Government Program Analyst

Attachment

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB 19 PM 3:09
BY [Signature]

5



Section 670, Title 14, CCR, is amended to read:

§ 670. Practice of Falconry.

~~(a) General Provisions. No person shall engage in any falconry activity except as provided by the Fish and Game Code and regulations provided herein. Applicable regulations adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act and published in Title 50, Code of Federal Regulations (CFR), Part 21 (Revised 9/14/89) are hereby incorporated and made a part of these regulations. Federal regulations shall be made available upon request from the Department of Fish and Game License and Revenue Branch, 3211 S. Street, Sacramento, Ca 95816.~~

~~(b) Take of Game or Nongame Birds or Mammals.~~

~~Any person using raptors to take game or nongame birds or mammals shall abide by all laws and regulations related to hunting, including but not limited to licenses, seasons, bag limits, and hunting hours. Any protected bird or mammal inadvertently taken by a raptor must be removed from the raptor, as soon as practical, and left at the site.~~

~~(c) Additional State Regulations. State regulations included herein complement current federal regulations and are cross-referenced by use of the respective federal Title 50 CFR section numbers boldfaced and placed in parentheses.~~

~~(1) LICENSING.~~

~~(A) Application for License. The department shall provide information on application procedures. This information may be obtained by contacting the department (address given in subsection (a) above).~~

~~(B) Co-sign Requirement. (Section 21.28 CFR)~~

~~Persons under the age of 18 shall have a parent or guardian co-sign their license application.~~

~~(C) Substitution of Experience. (Section 21.29 CFR) The department shall consider an applicant's experience acquired in another state or country when evaluating an application for any class of license.~~

~~(D) Application Fee. In addition to the fee required by Fish and Game Code Section 396, the department shall charge an application fee. The base fee for this application is \$7.50 as of January 1, 1993 (Note: This fee shall be charged effective July 7, 1993) and shall be adjusted annually per Fish and Game Code Section 713.~~

~~(E) Examination Requirement. (Section 21.29 CFR)~~

~~1. Minimum Score. Persons applying for their first license or for renewal of a license that expired prior to January 1, 1978, must correctly answer at least 80% of the questions on an examination provided and administered by the department.~~

~~2. Reexamination for Failing Score. (Section 21.29 CFR) Any applicant who fails to pass the examination may take another examination no earlier than three months from the date of the prior examination.~~

~~3. Substitutions of Passing Score from Another State. (Section 21.29 CFR) Applicants who provide documentation of having successfully passed a federally approved examination in a state listed in Section 21.29(k), CFR, will not be required to take the test.~~

~~(F) Classes of Licenses. (Section 21.29 CFR) Licenses will be issued in three classes, apprentice, general, and master, only to persons who meet all requirements and~~

qualifications described in these regulations. The department may issue the class of license equal to that of the most recent license issued to a person from a state listed in Section 21.29(k), CFR.

~~(G) Suspension, Revocation or Denial of License. (Section 21.29 CFR) The department may suspend, revoke, or deny issuance or renewal of any falconry license if the applicant or licensee either fails to comply with any requirement of these regulations or has been convicted of a violation of any falconry regulations, including such regulations of a state listed in Section 21.29(k), CFR. For the purpose of this subsection, violation of a general hunting regulation is not a violation of a falconry regulation. An applicant or licensee whose license has been suspended, revoked, or denied may appeal to the Commission.~~

~~(H) Notification of Termination of Sponsorship. (Section 21.29 CFR) A sponsor shall immediately notify the department in writing (address given in subsection (a) above) in the event of termination of sponsorship for a licensee. The person requiring the sponsor shall acquire a new sponsor within 60 days of the receipt of the notification by the department. Failure to comply with this subsection will result in loss of qualifying time from the date sponsorship was terminated and no subsequent license will be issued until all requirements have been fulfilled.~~

~~(I) Report Requirement for Apprentices. (Section 21.29 CFR) Apprentice licensees must complete and submit a report of progress on a form approved by the department (FG 362 (9/95), which is incorporated by reference herein). This report must be signed and dated by both the licensee and sponsor. The report will be used to determine qualifying experience for future licenses.~~

~~(J) Department Inspection and Approval of Equipment and Housing. (Section 21.29 CFR) The equipment and housing required by these regulations shall be inspected and approved by the department prior to the issuance of a license, except the department may authorize a sponsor to inspect and certify that the equipment and housing of apprentice applicants meets or exceeds the minimum standards required by these regulations. Equipment or housing that does not meet the minimum standards required by these regulations shall not be certified by a sponsor. The department may enter the premises of any licensee at any reasonable hour to inspect all housing, equipment, or raptors possessed by the licensee, or to inspect, audit, or copy any permit, book, or record required to be kept by these regulations.~~

~~(2) AUTHORIZATION.~~

~~(A) Authorization of Licensed Nonresidents. (Section 21.29 CFR) Nonresidents licensed to practice falconry in a state listed in Section 21.29(k), CFR, are authorized to practice falconry in California. Citizens from another country are authorized to practice falconry in California only in accordance with a permit issued by the U.S. Fish and Wildlife Service. (See subsection (c)(2)(F) below for importation).~~

~~(B) Nonresident License Not Valid for Resident. (Section 21.29 CFR) Residents are not authorized to possess raptors or practice falconry by a license issued by another state or country.~~

~~(C) Temporary Transfer of Raptor. (Section 21.29 CFR) Any licensee who allows another person to temporarily possess any raptor as authorized by sections 21.28(d)(6) and 21.29(j)(4), CFR, shall mail a copy of completed federal Form 3-186A and a copy of~~

the statement authorizing temporary possession to the department (address given in subsection (a) above) on the day the bird is transferred.

~~(D) Apprentice Restriction. (Section 21.29 CFR) Except as provided in subsection (c)(2)(E) below, apprentice licensees may only take or possess American kestrels (*Falco sparverius*) or red-tailed hawks (*Buteo jamaicensis*).~~

~~(E) Possession of Captive-Bred Raptors from Rehabilitation Facilities. (Section 21.29 CFR) All licensees may possess and use birds acquired from department approved rehabilitation facilities or legally acquired captive bred birds.~~

~~(F) Importation of Raptors. (Section 21.29 CFR) Licensees may import raptors for falconry only if they submit written authority to export raptors from the originating state or country with the department's copy of federal Form 3-186A. Nonresident licensees from a state listed in Section 21.29(k), CFR, and resident licensees who take their birds out of state and are returning to California, are exempt from this requirement. Citizens from another country may import raptors under the authority of a permit issued by the federal government, (see Section 21.29 CFR).~~

~~(G) Possession of Infertile Eggs. (Section 21.29 CFR) Infertile eggs laid by a licensee's bird may be possessed if the licensee notifies the department (address given in subsection (a) above), in writing within 48 hours after the egg is laid.~~

~~(3) BANDING.~~

~~(A) Prohibition of Removal of Bands. (Section 21.29 CFR) Raptor bands may not be removed from raptors except by a department employee or a person authorized by the department. The loss or removal of any band must be reported to the issuing office on federal Form 3-186A within five (5) working days of the loss or removal of the band.~~

~~(B) Prohibition on Defacing Band. (Section 21.29 CFR) The alteration, counterfeiting or defacing of a band is prohibited except that licensees may remove the rear tab or may smooth any imperfect surface provided the integrity of the band and numbering are not affected.~~

~~(4) TAKING.~~

~~(A) Possession of Valid Falconry License Required For Take. (Section 21.29 CFR) Only persons with a valid falconry license in possession may take a raptor from the wild. Raptors may not be taken in any state or national park. (Nonresidents see subsection (c)(4)(B) below for additional requirements)~~

~~(B) Nonresident Provisions. (Section 21.29 CFR) Nonresidents licensed to practice falconry in a state listed in Section 21.29(k), CFR, shall apply to the department (address given in subsection (a) above) for a permit to take raptors in California. Application shall be made on form FG 364 (1/96), (Request for Capture), which is incorporated by reference herein, and which shall be provided by the department upon request. If unsuccessful, the permit (form FG 364a (1/96), which is incorporated by reference herein) shall be returned to the department within five days after the expiration date (address given in subsection (a) above). The fee for the permit is \$182.00 per bird as adjusted annually pursuant to Section 713 of the Fish and Game Code. Nonresidents shall only take raptors from the wild in accordance with the conditions of the permit.~~

~~Reporting Take Location. Permittee shall notify the department within 5 days of take of a bird from the wild, on form FG 364a (1/96), provided by the department. Such notification shall include the county of take and a description of the site in Township,~~

Range, and Section format. A copy of a topographic map, with the capture site clearly indicated, shall be mailed to the department at the address indicated on the form (address given in subsection (a) above) within 14 days of take. The location reporting requirement is for all species listed in subsection (c)(4)(C) below, except red-tailed hawk, American kestrel, and great horned owl.

(C) Raptors Approved for Take From the Wild. (Section 21.29 CFR) Only the following raptors may be taken from the wild: Northern goshawk (*Accipiter gentilis*) (also see subsection (c)(4)(D) below), Cooper's hawk (*A. cooperii*), sharp-shinned hawk (*A. striatus*), red-tailed hawk (*Buteo jamaicensis*), ferruginous hawk (*B. regalis*), merlin (*Falco columbarius*), American kestrel (*F. sparverius*), prairie falcon (*F. mexicanus*) and great horned owl (*Bubo virginianus*).

Reporting Take Location. Permittee shall notify the department within 5 days of take of a bird from the wild, on form FG 363 (9/95), which is incorporated by reference herein, provided by the department. Such notification shall include the county of take and a description of the site in Township, Range, and Section format. A copy of a topographic map, with the capture site clearly indicated, shall be mailed to the department at the address indicated on the form (address given in subsection (a) above) within 14 days of take. The location reporting requirement is for all species listed in subsection (c)(4)(C) below, except red-tailed hawk, American kestrel, and great horned owl.

(D) Prohibition on Take of Northern Goshawks. (Section 21.29 CFR) Northern goshawks may not be taken from the wild at any time in the Lake Tahoe Basin as described below:

Those portions of Placer, El Dorado, and Alpine counties lying within a line beginning at the north end of Lake Tahoe, at the California-Nevada state line approximately four miles north of Stateline Point in the near vicinity of Mt. Baldy; westerly along the Tahoe Divide between the Lake Tahoe and Truckee River drainages to the intersection of the north line of Section 36, T17N, R17E, MDM; west along said north section line to the section corner common to section 25, 26, 35, and 36, T17N, R17E, MDM; south approximately one mile along the common section line; southwest to the intersection of the Tahoe Divide and Highway 267 in the near vicinity of Brockway Summit; southwest in the near vicinity of the Tahoe Divide to Mt. Pluto; south to Mt. Watson; westerly approximately two miles to Painted Rock; southerly approximately two miles along the Tahoe Divide to the intersection of Highway 89; southwest along the Tahoe Divide to Ward Peak; southerly approximately 30 miles along the Tahoe Divide to a point on the Echo Lakes Road; southeasterly along said road to Old Highway 50; southeasterly along Old Highway 50 to the intersection of the Echo Summit Tract Road; southerly along said road to Highway 50; easterly along Highway 50 to the intersection of the South Echo Summit Tract Road; southerly along said road to the Tahoe Divide; southerly along the Tahoe Divide past the Alpine county line to Red Lake Peak; northerly along the Tahoe Divide past Monument Peak to the California-Nevada state line; north on the state line to the point of beginning. NOTE: the area described above includes the entire basin of Lake Tahoe within California. The geographic boundary of the Lake Tahoe basin is also an area encompassed by the Lake Tahoe Basin Management Unit which is administered by the U.S. Forest Service. The Forest Service office is located in South Lake Tahoe, and maps depicting the boundary may be purchased there or obtained by mail. For ordering information call (916) 573-2600.

~~(E) Approved Methods of Take. (Section 21.29 CFR) Raptors may be taken by trap or net which do not injure the birds. All snare type traps must be attended at all times. All other traps must be identified with the name and address of the licensee and checked at least once every 12 hours.~~

~~(F) Eyas Bird Restriction. (Section 21.29 CFR) Eyas birds may be taken only by general or master licensees, and only from May 20 through July 15. No more than two eyas birds may be taken by the same licensee in any one year. In no case may all eyas birds be taken from any one nest. At least one eyas shall be left in a nest at all times.~~

~~(G) Passage Bird Restriction. (Section 21.29 CFR). Passage birds may only be taken from October 1 through January 31, except that a legally marked raptor which was lost or escaped may be taken at any time.~~

~~(H) Definition of Replacement Period. (Section 21.29 CFR) The 12-month period for replacing birds begins on March 1, of each year.~~

~~Note: Authority cited: Sections 200, 395, 1050 and 2120, Fish and Game Code.~~

~~Reference: Sections 395, 713, 1050 and 1054.5, Fish and Game Code.~~

(a) GENERAL PROVISIONS. Any person who wants to engage in falconry activities shall first apply for and be issued an annual falconry license (licensee) from the department. While engaged in falconry, residents, nonresidents and non-U.S. citizens shall carry an original permit, and all additional documentation or legible copies that authorizes them to practice falconry in California. Falconry activities shall be as provided by the Fish and Game Code and regulations provided herein. Applicable regulations adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act (MBTA) and published in Title 50, Code of Federal Regulations (CFR), Part 21 (Revised 10/08/2008) are hereby incorporated and made a part of these regulations. The department shall make these and the federal regulations available at www.dfg.ca.gov/licensing/.

(b) FALCONRY DEFINITIONS. For purposes of this section, the following definitions apply:

(1) "Abatement" is the use of trained raptors to reduce human/wildlife conflicts.

(2) "Captive-bred raptor" means the progeny of a mating of raptors in captivity, or progeny produced through artificial insemination.

(3) "Capture" means to trap or capture or attempt to trap or capture a raptor from the wild.

(4) "Eagles" includes golden eagle (*Aquila chrysaetos*), bald eagle (*Haliaeetus leucocephalus*), white-tailed eagle (*Haliaeetus albicilla*), and Steller's sea-eagle (*Haliaeetus pelagicus*).

(5) "Exotic raptor" is a raptor having no subspecies occurring in the wild in the United States or Mexico and is not covered under the MBTA.

(6) "Eyas raptor" or "nestling" is a young raptor not yet capable of flight.

(7) "Falconry" means the possession, housing, trapping, transport, and use of raptors for the purpose of hunting or free flight training.

(8) "Hacking" is the temporary or permanent release of a raptor held for falconry to the wild so that it may survive on its own.

(9) "Hybrid raptor" means offspring of raptors of ~~one~~two or more distinct species listed in Title 50, CFR, Section 10.13.

(10) "Imp" is to cut a broken or damaged feather and replace or repair it with an undamaged feather.

(11) "Imprint" means a raptor that is hand-raised in isolation from the sight of other raptors from two weeks of age until it has fledged. An imprinted raptor is considered to be so for its entire lifetime.

(12) "Non-native raptor" is any raptor that does not naturally occur in the state of California

(13) "Passage raptor" is a juvenile raptor less than one year old that is capable of flight.

(14) "Raptor" means any bird of the Order *Falconiformes*, *Accipitriformes* or *Strigiformes*, or hybrids thereof.

(15) "Regulatory year" is the 12-month period starting July 1 and ending the following June 30, and is the same as the falconry license term.

(16) "Wild raptor" means a raptor removed from the wild for falconry in the United States or Mexico. It is considered a wild captured raptor, no matter its time in captivity or whether it is transferred to other licensees or permit types.

(c) **TAKE OF GAME SPECIES OR NONGAME BIRDS OR MAMMALS.** Every person using falconry raptors to hunt or take resident small game including upland game species, migratory game birds, or nongame birds or mammals in California shall abide by the laws and regulations related to hunting of such species, including but not limited to licenses, seasons, bag limits, and hunting hours.

(d) **TAKE OF STATE OR FEDERAL LISTED THREATENED OR ENDANGERED SPECIES.** A licensee shall ensure that falconry activities do not cause the take of state or federally listed threatened or endangered wildlife, for example, by avoiding flying a raptor in the vicinity of the listed species. Any listed threatened or endangered bird or mammal taken by a raptor without intent shall be removed from the raptor as soon as practical, and left at the site where taken if dead, or taken to the nearest wildlife rehabilitation center if injured. The take shall be reported by the licensee to the nearest U.S. Fish and Wildlife Service (USFWS) Ecological Services Field Office or the nearest department regional office (www.dfg.ca.gov/regions/) within 10 calendar days of the kill. The licensee shall report their name, falconry permit number, date, species and sex (if known) of the animal taken, and exact location of the kill pursuant to subsections (19), (19)(i) and (19)(ii), Title 50, CFR.

(e) **LICENSING.**

(1) **FALCONRY LICENSES:** A falconry license is issued in one of three falconry classes listed in subsection (e)(6) and may be issued to a:

(A) California resident who is applying for his/her first license;

(B) California resident or nonresident who is applying to renew a lapsed license;

(C) California resident who is applying to renew a license that has not lapsed; and,

(D) Nonresident or non-U.S. citizen falconer who has a valid falconry license issued from another state or country and intends to establish permanent residency in California prior to becoming a resident.

(2) **APPLICATION FOR LICENSE.** The applicant for a new license or lapsed license shall submit a completed New Falconry License Application, as specified in Section 703, to the address listed on the application. The applicant for a license renewal shall submit a completed Falconry License Renewal Application, as specified in Section 703, to the address listed on the application. The department may issue new licenses and

renew existing or lapsed licenses with the conditions it determines are necessary to protect native wildlife, agriculture interests, animal welfare, and/or human health and safety.

(A) SIGNED CERTIFICATION. Each application shall contain a certification worded as follows: "I certify that I have read and am familiar with both the California and U.S. Fish and the Wildlife Service falconry regulations, and CFR 50, SECTIONS 21.29 THROUGH 21.30 and the federal Migratory Bird Treaty Act, and that the information I am submitting is complete and accurate to the best of my knowledge and belief. I understand that any false statement herein may subject me to cancellation of the application, suspension or revocation of the license, and/or administrative, civil, or criminal penalties." The application shall be submitted with the applicant's original signature.

(B) EXPERIENCE. The department shall consider an applicant's falconry experience acquired in California, as well as another state or country when evaluating an application for any class of license. The department shall determine which class level of falconry license is appropriate, consistent with the class requirements herein and the documentation submitted with the application demonstrating prior falconry experience.

(C) NONRESIDENT FALCONER ESTABLISHING PERMANENT RESIDENCY. A nonresident falconer establishing permanent residency in California shall submit documentation of prior experience and any falconry license held from his/her previous state or country of origin along with the completed application. The department shall continue to recognize a new resident's falconry license issued from another state or country, until the license expires, or the department approves or denies the application, whichever comes first. If a new resident's license expires shortly before or shortly after he/she moves to California, he/she is allowed to practice falconry for up to 120 days without a California license, according to (5)(C) below.

(3) EXAMINATION REQUIREMENT. Any person applying for his/her first falconry license in California shall pass the falconry examination to demonstrate proficiency in falconry and raptor-related subject areas before being issued a license. An applicant shall correctly answer at least 80 percent of the questions to pass the examination. Any applicant who fails to pass the examination may take another examination no earlier than the day following three months from the date of the prior failed examination. An applicant who provides documentation of successfully passing a federally approved examination in a state that has had its falconry regulations certified as specified in Title 50, CFR, Section 21.29, will not be required to take the examination in California if the applicant took the examination within five years from the date the application was submitted.

(4) LAPSED LICENSES. If a license has lapsed for fewer than five years, the license may be renewed at the level held previously if the applicant provides proof of licensure at that level. If a license has lapsed for five years or more, the applicant shall successfully complete the California examination. Upon passing the examination, a license may be renewed at the level previously held if the applicant provides proof of licensure at that level.

(5) NONRESIDENTS OF CALIFORNIA AND NON-US CITIZENS.

(A) A nonresident licensed falconer or non-U.S. citizen licensed falconer may temporarily practice falconry in California for up to 120 consecutive calendar days without being required to obtain a California falconry license.

(B) A nonresident licensed falconer or non-U.S. citizen licensed falconer may fly raptors held for falconry by a licensed California falconer, provided that written permission is given to the nonresident or non-U.S. citizen by the licensee. This written authorization must be carried with him/her while flying or transporting the raptor.

(C) A nonresident licensed falconer or non-U.S. citizen currently licensed falconer shall provide and thereafter maintain facilities and equipment for raptors in his/her possession while practicing falconry in California. Temporary facilities shall meet the standards in these regulations, including but not limited to provisions described in subsection (j), and as specified in pursuant to Title 50, CFR, Section 21.29. A nonresident or non-U.S. citizen may house raptors in his/her possession at another licensed falconer's facilities while temporarily practicing falconry.

(6) FALCONRY CLASSES. There are three classes of licensed falconers in California: Apprentice falconer, General falconer, and Master falconer. The department may issue a falconry license in one of these classes to an applicant who meets the requirements and qualifications for the class as described in these regulations.

(A) APPRENTICE FALCONER.

1. AGE. An applicant for an Apprentice falconer license shall be at least 12 years of age at the date of application. If an applicant is less than 18 years of age, a parent or legal guardian shall co-sign the application and shall be legally responsible for activities of the Apprentice falconer.

2. SPONSORSHIP. A sponsor is required for at least the first two years in which an Apprentice falconry license is held, regardless of the age of the Apprentice falconer. A sponsor shall be a Master falconer or a General falconer who has at least two years of experience at the General Falconer level. A sponsor shall certify in writing to the department that the sponsor will assist the Apprentice falconer, as necessary, in learning the husbandry and training of raptors held for falconry; learning the relevant wildlife laws and regulations; and determining what species of raptor is appropriate for the Apprentice falconer to possess; and will notify the department's License and Revenue Branch immediately if sponsorship terminates.

3. TERMINATION OF SPONSORSHIP. If sponsorship is terminated, an Apprentice falconer and his/her sponsor shall immediately notify the department's License and Revenue Branch in writing. For a license to remain valid, the Apprentice falconer shall acquire a new sponsor within 30 calendar days from the date sponsorship is terminated, and provide written notification, along with the certification described in subsection (e)(6)(A)2, to the department once a new sponsor is secured. Failure to comply with sponsorship requirements will result in loss of qualifying time from the date sponsorship was terminated and no subsequent license will be issued until the two year requirements of sponsorship have been fulfilled.

4. POSSESSION OF RAPTORS. An Apprentice falconer may possess for falconry purposes no more than one wild or captive-bred red-tailed hawk (*Buteo jamaicensis*) or American kestrel (*Falco sparverius*) at any one time, regardless of the number of state, tribal, or territorial falconry licenses in possession and only as long as the raptor in possession is trained in the pursuit of game and used in hunting. An Apprentice falconer may only capture from the wild or possess a passage red-tailed hawk or an American kestrel. Apprentice falconers are not required to capture a wild raptor themselves; the

raptor can be transferred to him/her by another licensee. An Apprentice falconer may not capture from the wild or possess an eyas raptor or a raptor that is imprinted on humans.

5. INSPECTION OF FACILITIES. After successfully passing the falconry examination, the facility of an Apprentice applicant shall pass an inspection and be certified by the department, pursuant to subsection (j)(2), before a license may be issued.

6. ADVANCEMENT FROM APPRENTICE CLASS. An Apprentice falconer shall submit a completed Apprentice Falconer's Annual Progress Report, as specified in Section 703, to the address listed on the report. The report shall demonstrate that the Apprentice falconer has practiced falconry with a raptor at the Apprentice level for at least two years, including maintaining, training, flying, and hunting with the raptor for at least four months in each regulatory year, and a summary of the species the Apprentice possessed, how long each was possessed, how often each was flown, and methods of capture and release. No falconry school program or education shall be substituted for the minimum period of two years of experience as an Apprentice falconer.

(B) GENERAL FALCONER.

1. AGE. General falconers shall be at least 16 years of age. If an applicant is less than 18 years of age, a parent or legal guardian shall co-sign the application and shall be legally responsible for activities of the General falconer.

2. POSSESSION OF RAPTORS. A General falconer may possess for falconry purposes any wild raptor species listed in subsection (g)(7)(5), and any captive-bred or hybrid any species of Order Falconiformes, Accipitriformes, or Strigiformes, except federally or state listed threatened or endangered species, and eagles. A General falconer shall possess no more than three raptors for use in falconry at any one time, regardless of the number of state, tribal, or territorial falconry licenses in possession; and only two of these raptors may be wild-caught. Only eyas or passage raptors may be wild-caught; except American kestrel (*Falco sparverius*) or great horned owl (*Bubo virginianus*) may be captured at any age.

3. ADVANCEMENT FROM GENERAL CLASS. A General falconer shall have practiced falconry with a raptor, including maintaining, training, flying, and hunting with the raptor, at the General level for at least five years before advancing to Master falconer. No falconry school program or education shall be substituted for the minimum period of five years of experience as a General falconer.

(C) MASTER FALCONER.

1. POSSESSION OF RAPTORS. A Master falconer may possess for falconry purposes any wild raptor species listed in subsection (f)(7)(g)(5), and any captive-bred or hybrid of any species of Order Falconiformes, the Order Accipitriformes, or the Order Strigiformes, except federally or state listed threatened or endangered species. A Master falconer may possess any number of raptors except he/she shall possess no more than five wild-caught raptors for use in falconry at any one time, regardless of the number of state, tribal, or territorial falconry licenses in possession. Only eyas or passage raptors may be wild-caught; except American kestrel (*Falco sparverius*) or great horned owl (*Bubo virginianus*) may be captured at any age.

2. POSSESSION OF EAGLES. A Master falconer may possess up to three eagles at any one time, except no bald eagle may be possessed. Eagles may not be captured from the wild in California, but may be obtained from captive breeders, imported from

another state, or transferred from a rehabilitation facility if the eagle is non-releasable. The department shall authorize in writing which species of eagles a Master falconer may possess. The Master falconer shall submit a request for this authorization and include a resume of his/her experience in handling large raptors such as eagles, and two letters of recommendation to the department's License and Revenue Branch. The resume documenting experience shall include information about the type of large raptor species handled, such as eagles or large hawks, the type and duration of the activity in which experience was gained, and contact information for references who can verify the experience. The two letters of recommendation shall be from persons with experience handling and/or flying large raptors. Each letter shall be a signed, original that describes the author's experience with large raptors, and may include, but is not limited to, handling of raptors held by zoos, rehabilitating large raptors, or scientific studies involving large raptors. Each letter shall also assess the licensee's ability to care for eagles and fly them in falconry. The department may deny a request for a Master falconer to possess an eagle if the applicant has less than the equivalent of two years of experience handling large raptors or, at the department's discretion, the department determines that based on a letter of recommendation the applicant is not capable of caring for the eagle or flying it in falconry.

(7) FEES. The base fee for a falconry license is specified in Fish and Game Code Section 396. Falconry related fees are specified in Section 703 for the following:

(A) APPLICATION. An applicant shall submit a nonrefundable Falconry Application Fee when applying for a new license or renewing a license.

(B) EXAMINATION. An applicant shall submit a nonrefundable Falconry Examination Fee each time an applicant applies to take an examination.

(C) INSPECTION. An applicant or licensee shall submit a nonrefundable Inspection Fee prior to the department inspecting his/her facilities, raptors, if present, and equipment. The Inspection Fee provides for inspections of up to five enclosures.

1. If a facility has more than five enclosures, an additional inspection fee is required for every additional enclosure over five.

(D) RE-INSPECTION. An applicant shall submit a nonrefundable Re-Inspection Fee when a facility fails to pass a previous inspection.

(E) ADMINISTRATIVE PROCESSING. An applicant shall submit a nonrefundable Administrative Processing Fee for each Federal Form 3-186A submitted to the department's License and Revenue Branch when not using the USFWS's electronic reporting system on-line at <https://migbirdapps.fws.gov/Falconry/srv/index.htm>.

(F) SPECIAL RAPTOR CAPTURE DRAWING APPLICATION. An applicant shall submit a nonrefundable Special Raptor Capture Drawing Application Fee when applying to capture species with capture quotas.

(G) SPECIAL RAPTOR CAPTURE PERMIT. A successful applicant shall submit the appropriate nonrefundable Special Raptor Capture Permit fee to receive the permit.

(8) DENIAL. The department may deny the issuance of a new license or a renewal of an existing or lapsed license if:

(A) The applicant or licensee has failed to comply with regulations adopted pursuant to the Fish and Game Code related to raptors, Fish and Game Code Section 1054, or Penal Code Section 597 terms and conditions of a license or any provision of the Fish and Game Code or regulations adopted pursuant thereto or Penal Code Section 597; or

(B) The applicant or licensee has failed to comply with any provision of any statute, regulation, rule or ordinance existing in any other state or in any city, county, or other local governing entity in any other state, that is related to the care and licensing of raptors, so long as the failure to comply would constitute a violation of the Fish and Game Code or regulations herein or Penal Code Section 597;

(C) The applicant or licensee has failed to comply with any provision of any federal statute, regulation, or rule that is related to the care and licensing of raptors, including but not limited to Title 50, CFR Sections 21.29 and 21.30.

(D) The department shall deny the issuance of a license or renewal of an existing license if the applicant or licensee fails to submit all required items or perform any task necessary to obtain a license. Before denying an application for this reason, the department shall notify the applicant that the application is deficient. The applicant may supplement an application by providing the missing required information or materials. If sent by U.S. mail or other carrier, these materials shall be postmarked no later than 30 calendar days after the date of the proof of service accompanying the department's notification. If the 30 calendar day deadline falls on a weekend or holiday the submission of additional information or materials will be accepted until the close of business on the first state business day following the deadline to submit additional information or materials. At its discretion, the department may extend this deadline for good cause. If denied, the applicant or licensee may submit a new application at any time.

(9) SUSPENSION AND REVOCATION. Any license issued pursuant to these regulations may be suspended or revoked at any time by the department for failure to comply with regulations adopted pursuant to the Fish and Game Code related to raptors, Fish and Game Code Section 1054, or Penal Code Section 597the terms and conditions of the license, or for failure to comply with any provision of the Fish and Game Code, regulations adopted pursuant to the Fish and Game Code or Penal Code Section 597. If the licensee has been convicted in a court of competent jurisdiction of violating one of these provisions, the suspension or revocation shall take effect immediately. If the licensee has not been convicted, the suspension or revocation shall take effect when the time to request an appeal pursuant to subsection (e)(11) has expired. A timely request for an appeal will stay the department's suspension or revocation if the licensee was not convicted as described above.

(10) PROOF OF SERVICE. All notices sent from the department to an applicant or licensee pursuant to subsections (e)(8) or (e)(9) shall include a proof of service that consists of a declaration of mailing, under penalty of perjury, indicating the date of mailing the department's notification, denial, or other correspondence.

(11) APPEAL. Any applicant or licensee who is denied a license, an amendment to an existing license or has a license suspended or revoked by the department pursuant to these regulations may appeal that denial, amendment, suspension, or revocation by filing a written request for an appeal with the commission. If sent by U.S. mail or other carrier, a request for an appeal shall be postmarked no later than 30 calendar days after the date of the proof of service accompanying the department's notice of denial, suspension, or revocation. If submitted electronically or by facsimile, it shall be received no later than 30 calendar days after the date of the proof of service. The commission shall not accept a request for an appeal that is submitted after the 30 calendar day

deadline to request an appeal. If the 30 calendar day deadline falls on a weekend or holiday the request for appeal will be accepted until the close of business on the first state business day following the deadline to submit a request for appeal.

(12) RECORD KEEPING. A licensee shall retain copies all falconry-related records (hard copy or electronic) including but not limited to the applicant's falconry license, raptor transfer records, capture and release and disposition records, import or export documentation, sponsorship information, annual reports submitted to the department, and all health records of raptors possessed pursuant to the falconry license (Falconry Records) for at least five years after the expiration of the license.

(13) NAME OR ADDRESS CHANGE. The licensee shall notify the department's License and Revenue Branch, in writing, of any change of name or mailing address within 30 calendar days of the change. Facility address changes must be reported within five calendar days of the change.

(f) REPORTING REQUIREMENTS.

(1) Licensees shall comply with USFWS's electronic reporting requirements on Federal Form 3-186A for all raptors possessed. Federal Form 3-186A can be accessed at the USFWS's electronic reporting system on-line at <https://migbirdapps.fws.gov/Falconry/srv/index.htm>. If a licensee is unable to use the Form 3-186A electronic reporting system, he/she may submit a paper Form 3-186A by mail, fax, or email to the department's License and Revenue Branch, or he/she may report over the telephone to the License and Revenue Branch. The information from the paper form or during a call will be entered into the USFWS's electronic reporting system by department staff, and the department shall charge an Administrative Processing Fee, as specified in Section 703, for each form completed.

(2) A licensee shall submit to the department's License and Revenue Branch a report using the Resident Falconer Raptor Capture, Recapture and Release Report, as specified in Section 703, within 10 calendar days of capture of a raptor from the wild or the release of a raptor back to the wild. The submission shall include information about the county of capture/release, date of capture/release, a description of the capture/release site, a description of the capture method, species information, and Latitude/Longitude coordinates of capture/release site. Capture, recapture and release in California may also be entered and reported electronically if the department offers an electronic reporting system. Licensee shall also report the capture and release by entering the required information on Form 3-186A in the USFWS's electronic reporting system within 10 calendar days of the capture.

(3) Upon applying for license renewal or within 10 calendar days after expiration of the license, whichever comes first, a licensee shall submit to the department, an annual report using the Falconry Hunting Take Report, as specified in Section 703, summarizing the number and type of prey species taken while hunting, counties hunted, and birds used in hunting during the most recent license year.

(4) Upon applying for license renewal or within 10 calendar days after expiration of the license, whichever comes first, an Apprentice falconer shall submit to the department's License and Revenue Branch an annual report using the Apprentice Falconer's Annual Progress Report, as specified in Section 703. The report shall be signed and dated by both the Apprentice falconer and sponsor. The report will be used by the department to determine qualifying experience for future licenses.

(g) CAPTURING RAPTORS FROM THE WILD.

(1) A Resident licensed falconer may not capture more than two raptors from the wild during the regulatory year and only as authorized for each falconry class license.

(2) A Nonresident licensed falconer with a license to practice falconry in a state certified according to Title 50, CFR, Section 21.29(b)(10) may request to capture within California one wild raptor of the species as specified in subsection (g)(7), excluding species with capture quotas, and shall submit to the department's License and Revenue Branch a complete Nonresident Falconer Application for Raptor Capture Permit, as specified in Section 703. The permit issued shall be valid beginning on July 1 and ending on June 30 of the following permit year or if issued after the beginning of the year, for the remainder of that permit year. Whether successful or unsuccessful in capturing a raptor, the nonresident licensed falconer shall submit a complete Nonresident Falconer Raptor Capture Permit and Report, as specified in Section 703. Nonresidents shall only capture raptors from the wild in accordance with the conditions of the permit. Nonresidents that request to capture species with capture quotas must submit application for the random drawing, as specified in subsection (g)(7)(K).

(3) Raptors may be captured by trap or net methods that do not injure them. The licensee shall identify all set traps with the name and address of the licensee and shall check such traps at least once every 12 hours, except that all snare type traps shall be attended at all times when they are deployed.

(4) A licensee shall be present during the capture of a raptor from the wild; however another General or Master licensed falconer may capture the raptor for the licensee. A licensee's presence during capture includes attendance of snare traps, or attendance while checking non-snare traps at least once every 12 hours. If a licensee has a long-term or permanent physical impairment that prevents him/her from attending the capture of a raptor for use in falconry, then another licensee may capture a bird for the licensee without him/her being present. The licensee is responsible for reporting the capture. The raptor will count as one of the two raptors the licensee is allowed to capture in that regulatory year.

(5) The following raptor species may be captured from the wild in California: Northern goshawk (*Accipiter gentilis*), Cooper's hawk (*Accipiter cooperii*), sharp-shinned hawk (*Accipiter striatus*), red-tailed hawk (*Buteo jamaicensis*), red-shouldered hawk (*Buteo lineatus*), merlin (*Falco columbarius*), American kestrel (*Falco sparverius*), prairie falcon (*Falco mexicanus*), barred owl (*Strix varia*), and great horned owl (*Bubo virginianus*).

(6) No more than two nestlings of the species allowed for capture from the wild may be captured by the same General or Master licensee during the regulatory year. In no case may all nestlings be captured and removed from any nest. At least one nestling shall be left in a nest at all times.

(7) The following restrictions apply to the total, cumulative capture of wild raptors among all licensees. These restrictions are in addition to the limitation of two wild raptors per licensee during the regulatory year.

(A) NORTHERN GOSHAWK.

No more than one northern goshawk may be captured within the Lake Tahoe Basin during the regulatory year.

1. The Lake Tahoe Basin area is defined as those portions of Placer, El Dorado, and Alpine counties within a line: beginning at the north end of Lake Tahoe, at the

California-Nevada state line approximately four miles north of Stateline Point in the near vicinity of Mt. Baldy; westerly along the Tahoe Divide between the Lake Tahoe and Truckee River drainages to the intersection of the north line of Section 36, T17N, R17E, MDM; west along said north section line to the section corner common to section 25, 26, 35, and 36, T17N, R17E, MDM; south approximately one mile along the common section line; southwest to the intersection of the Tahoe Divide and Highway 267 in the near vicinity of Brockway Summit; southwest in the near vicinity of the Tahoe Divide to Mt. Pluto; south to Mt. Watson; westerly approximately two miles to Painted Rock; southerly approximately two miles along the Tahoe Divide to the intersection of Highway 89; southwest along the Tahoe Divide to Ward Peak; southerly approximately 30 miles along the Tahoe Divide to a point on the Echo Lakes Road; southeasterly along said road to Old Highway 50; southeasterly along Old Highway 50 to the intersection of the Echo Summit Tract Road; southerly along said road to Highway 50; easterly along Highway 50 to the intersection of the South Echo Summit Tract Road; southerly along said road to the Tahoe Divide; southerly along the Tahoe Divide past the Alpine county line to Red Lake Peak; northerly along the Tahoe Divide past Monument Peak to the California-Nevada state line; north on the state line to the point of beginning. NOTE: the area described above includes the entire basin of Lake Tahoe within California.

(B) COOPER'S HAWK. No restrictions on cumulative number or location of Cooper's hawks captured statewide during the regulatory year.

(C) SHARP-SHINNED HAWK. No restrictions on cumulative number or location of sharp-shinned hawks captured statewide during the regulatory year.

(D) RED-TAILED HAWK. No restrictions on cumulative number or location of red-tailed hawks captured statewide during the regulatory year.

(E) RED-SHOULDERED HAWK. No restrictions on cumulative number or location of red-shouldered hawks captured statewide during the regulatory year.

(F) MERLIN. No restrictions on cumulative number or location of merlins captured statewide during the regulatory year. Merlins may be captured only from August 15 through February 28 every year.

(G) AMERICAN KESTREL. No restrictions on cumulative number or location of American kestrels captured statewide during the regulatory year.

(H) PRAIRIE FALCON. No more than 14 prairie falcons may be captured per regulatory year, cumulative, statewide

(I) BARRED OWL. No restrictions on cumulative number or location of barred owls captured statewide during the regulatory year.

(J) GREAT HORNED OWL. No restrictions on cumulative number or location of great horned owls captured statewide during the regulatory year.

(K) RANDOM DRAWING. A random drawing shall be held by the department to determine distribution of Special Raptor Capture Permits to capture Northern goshawk and prairie falcon from the wild, as specified in subsection 670(g)(7). Applicants may be a resident and/or nonresident and must possess a valid General or Master falconry license at the time of application to enter the drawing. Non-U.S. citizens are not eligible to enter the drawing.

1. A Resident applicant shall not submit more than two drawing applications each regulatory year.

2. A Nonresident applicant shall not submit more than one drawing application per each regulatory year.

3. Applicants shall submit to the department's License and Revenue Branch a Special Raptor Capture Drawing Application, as specified in Section 703. Each application submitted must specify the falconer's name, contact information, GO ID number, the species he/she is applying for to capture from the wild, and include the nonrefundable Drawing Application Fee, as specified in Section 703.

4. Applications must be received by midnight, Pacific Standard Time, on May 4Jan. 31 each year through the department's Automated License Data System. Incomplete, late and ineligible applications, and applications submitted without the fee, shall not be included in the drawing.

5. Successful applicants and a list of alternates for each species and/or area shall be determined by random drawing within 10 business days following the application deadline date. If the drawing is delayed due to circumstances beyond the department's control, the department shall conduct the drawing at the earliest date possible.

6. Successful and alternate applicants will be mailed notification as soon as practical. Unsuccessful applicants shall be notified by mail. Upon receipt of the notification, the successful applicant shall submit the Raptor Capture Permit Fee, as specified in Section 703, to the department's License and Revenue Branch by 5:00 p.m. on June 1 each year to claim the permit. If the deadline to submit the fee falls on a weekend or holiday, payment will be accepted until 5:00 p.m. on the first state business day following the deadline to submit payment. Unclaimed permits shall be awarded to alternates for that species and/or area after June 1 on an individual basis, in the order drawn.

7. permit-A Special Raptor Capture Permit shall only be issued to a successful applicant who holds a General or Master falconry license that is valid for the same license year that the permit shall be valid. Only the permit holder is entitled to capture a raptor, and the permit shall be in immediate possession of the permit holder during the capture. Permits are not transferable and are valid only for the species, area and period as specified on the permit.

8. A permit holder who successfully captures a Northern goshawk or prairie falcon shall immediately complete the capture portion of the permit and shall return the permit to the department's License and Revenue Branch within 10 calendar days of the. The submission shall include information about the county of capture, date of capture, a description of the capture site, a description of the capture method, species information, and Latitude/Longitude coordinates of capture site. The capture may also be entered and reported electronically if the department offers an electronic reporting system. The permit holder shall also report the capture by entering the required information on Form 3-186A in the USFWS's electronic reporting system within five calendar days of the capture.

9. A permit holder who is unsuccessful in capturing a Northern goshawk or prairie falcon shall indicate "unsuccessful" on the report card portion of the permit and return it within 10 days of the close of the season.

10. The permit holder shall surrender his/her permit to an employee of the department for any act by the permit holder that violates any raptor related provision of the Fish and Game Code, or any regulation of the commission made pursuant thereto, and any act

on the part of the permit holder that endangers the person or property of others. The decision of the department shall be final.

(8) BANDED OR MARKED RAPTORS. If a licensee captures a raptor that has a band, research marker, or transmitter attached to it, the licensee shall promptly report the band number and all other relevant information to the Federal Bird Banding Laboratory at 1-800-327-2263. If the raptor has a transmitter attached to it, the licensee may possess the raptor for up to 30 calendar days, during which time the licensee shall make a reasonable attempt to contact the researcher. If the researcher wants to replace the transmitter or its batteries, or have the transmitter removed and the bird released, the researcher or his or her designee may make such change or allow the licensee to do so before the raptor is released. Temporary possession of such a raptor will not count against a licensee's possession limit for falconry raptors. If the researcher cannot be contacted or does not want the transmitter to remain on the raptor, the licensee may keep the raptor if it was otherwise lawfully captured. If the raptor belongs to a falconer, subsection (h)(11) shall apply.

(9) INJURY DUE TO TRAPPING. If a raptor is injured due to trapping, the raptor may be put on the licensee's falconry license and it will count as part of the possession limit. If the licensee adds the raptor on the falconry license, he/she shall report the capture to the department's License and Revenue Branch within 10 calendar days after capture, and shall have the raptor immediately treated by a veterinarian or a permitted California wildlife rehabilitator. Alternately, the injured raptor may be immediately given directly to a veterinarian or a permitted California wildlife rehabilitator. In either case, the licensee is responsible for the costs of care and rehabilitation of the raptor.

(10) UNINTENTIONAL CAPTURE. A licensee shall immediately release any bird unintentionally captured that he/she is not authorized to possess.

(11) PUBLIC AND PRIVATE LANDS. A licensee is not authorized to capture raptors or practice falconry on public lands where it is prohibited, on private property without written permission from the landowner or tenant, or on tribal government lands without written permission. The licensee shall carry the written permission while practicing falconry.

(h) POSSESSION, TRANSFER, AND DISPOSITION OF RAPTORS

(1) PERMANENT TRANSFER OF RAPTOR. A licensee may acquire a raptor through a transfer and shall report the transfer by entering the required information on Form 3-186A in the USFWS's electronic reporting system within 10 calendar days of the transfer. The number of raptors acquired through a transfer is not restricted, as long as the licensee abides by the requirements of his/her class, and does not exceed his/her possession limit.

(A) If a licensee transfers a raptor removed from the wild to another licensee in the same year in which it is captured, the raptor will count as one of the raptors the licensee is allowed to capture from the wild that year. It will not count as a capture by the recipient.

(B) A surviving spouse, executor, administrator, or other legal representative of a deceased licensee may transfer any bird held by the licensee to another authorized licensee within 90 calendar days of the death of the licensee. After 90 calendar days, disposition of a raptor held under the license is at the discretion of the department.

(2) TEMPORARY TRANSFER OR CARE OF RAPTOR. Any licensee who temporarily transfers possession of his/her raptor to another licensee, or allows an unlicensed person to temporarily care for a raptor, shall provide written notification of such transfer to the department's License and Revenue Branch within 10 days after the bird is transferred. The notification shall include contact information including name, address, phone number, and email address of the temporary caregiver.

(A) Temporary possession of a raptor by a licensee shall not exceed 120 consecutive calendar days. Temporary possession may exceed 120 days only if a request is made to the department's License and Revenue Branch and written authorization is given. Temporary care of a raptor by an unlicensed person shall not exceed a 45 consecutive calendar day period. A raptor cared for by an unlicensed person shall remain housed at the licensee's facility. The unlicensed person is not authorized to fly the raptor. The licensed person may fly the raptor if he /she possesses the appropriate level license.

(3) POSSESSION OF RAPTORS FROM REHABILITATION FACILITIES. A licensee may possess a raptor of any age that he/she is allowed to possess acquired from a permitted wildlife rehabilitation facility. Transfer of a nonreleasable wild raptor from a permitted California wildlife rehabilitation facility is at the discretion of the rehabilitator and will count as one of the raptors a licensee is allowed to capture from the wild during the regulatory year. A licensee acquiring a raptor from a permitted California wildlife rehabilitation facility shall report the transfer by entering the required information on Form 3-186A in the USFWS's electronic reporting system within 10 calendar days of the transfer.

(4) ASSISTING IN RAPTOR REHABILITATION. A General or Master falconer may assist a permitted California wildlife rehabilitator to condition a raptor for its release back into the wild. A rehabilitation raptor possessed for this purpose shall not be added to the licensee's falconry license, but shall remain under the permit of the rehabilitator.

(A) The rehabilitator shall provide the licensee with a letter that identifies the raptor and explains that the falconer is assisting in its rehabilitation. The licensee shall have the letter or legible copies in his/her possession while flying the raptor for rehabilitation.

(B) The licensee shall return any such raptor that cannot be released to the wild to the rehabilitator within 180 calendar days unless the rehabilitator transfers the raptor to the licensee.

(5) IMPORTATION OF RAPTORS BY NONRESIDENTS OR NON-U.S. CITIZEN. A nonresident or non-U.S. citizen may temporarily import lawfully possessed raptors into California for up to 120 days. The department's License and Revenue Branch shall be notified within 10 calendar days prior to importing the raptor. A nonresident or non-U.S. citizen shall submit to the department's License and Revenue Branch official written authority to export raptors from the originating state or country, along with a health certificate for the raptor, prior to importing a raptor. A non-U.S. citizen may import his/her falconry raptor that he/she possesses legally, provided that importation of that species into the United States is not prohibited, and he/she has met all permitting requirements of his/her country of residence. Import of raptors, including exotic raptors, may be subject to other state and federal laws.

(6) RELEASE OF RAPTORS. A licensee may release a native, wild caught raptor to the wild in California only to a location near the site that raptor was originally captured, and in appropriate habitat for that species of raptor. If the licensee cannot access the site of

original capture, then licensee shall release in in appropriate habitat for that species of raptor.

(A) Prior to release, the licensee shall ensure the immediate area around the release site is free from other raptors.

(B) The licensee shall remove any falconry band on the raptor being released; however seamless bands shall remain attached.

(C) A licensee may not intentionally and permanently, release a non-native raptor, hybrid, or native captive-bred raptor to the wild in California, unless authorized by the department.

(7) HACKING. A wild raptor may be hacked for conditioning or as a method for release back into the wild. Any hybrid, captive-bred, or exotic raptor a licensee has in possession may be hacked for conditioning, and shall have two attached functioning radio transmitters during hacking except native captive bred raptors shall have a minimum of one functioning transmitter. A licensee may not hack any raptor near a known nesting area of a state or federally threatened or endangered animal species or in any other location where a raptor may take or harm a state or federally listed threatened or endangered animal species. Only a General or Master falconer may hack falconry raptors.

(8) DEATH, ESCAPE OR THEFT. A licensee whose raptor dies, escapes, or is stolen, shall report the loss of the raptor by entering the required information on Form 30186A in the USFWS's electronic reporting system within 10 calendar days of the loss. A licensee may attempt to recover a raptor lost to the wild for up to 30 days before reporting the loss. The licensee shall also report a theft of a raptor to an appropriate local law enforcement agency within 10 calendar days of the loss.

(9) DISPOSITION OF RAPTOR CARCASS. If a raptor dies and was banded or had an implanted microchip, the band or microchip shall be left in place. If a licensee keeps the carcass or parts thereof, he/she shall retain all records of the raptor. A licensee must send the entire body of a golden eagle carcass held for falconry, including all feathers, talons, and other parts, to the National Eagle Repository. Within 10 calendar days the carcass shall be either:

(A) Delivered to the department. A carcass may only be delivered to the department if the carcass is frozen and if the licensee obtains permission from the department prior to delivery; or

(B) Sent to a qualified pathologist or veterinarian to perform a necropsy. If a necropsy was performed; or

~~(C)~~ Donated to any person authorized to possess the raptor or parts thereof; or

~~(C)(D)~~ Kept by the licensee for use in imping; or

~~(D)(E)~~ Delivered to a taxidermist for mounting and possession by the falconer; or

~~(E)(F)~~ Burned, buried, or otherwise destroyed.

(10) RECAPTURE. A licensee may recapture a raptor wearing falconry equipment or a captive-bred or exotic raptor at any time whether or not the licensee is authorized to possess the species. A recaptured raptor will not count against the possession limit of the licensee, nor will its capture from the wild count against the licensee's limit on number of raptors captured from the wild. The licensee shall report recaptured raptors to the department's License and Revenue Branch by submitting a complete Resident Falconer Raptor Capture, Recapture and Release Report and by entering the required

information on Form 3-186A in the USFWS's electronic reporting system within five calendar days.

(A) A recaptured falconry raptor shall be returned to the person who lawfully possessed it. If that person cannot possess the raptor or does not wish to possess it, the licensee who recaptured the raptor may keep it if that species is allowed under his/her existing license. If kept, the raptor will count towards the licensee's possession limit.

1. A licensee who retains a recaptured raptor shall report the acquisition to the department's License and Revenue Branch by submitting a complete Resident Falconer Raptor Capture, Recapture and Release Report and by entering the required information on Form 3-186A in the USFWS's electronic reporting system within five calendar days.

2. If neither party wishes to keep the raptor, disposition of the raptor will be at the discretion of the department.

(11) USE OF FEATHERS. A licensee may possess feathers of each species of raptor authorized to be possessed for as long as the licensee has a valid falconry license. For eagle feathers, a licensee must follow federal standards as noted in Title 50, CFR, Section 21.29. A licensee may receive raptor feathers from another person in the United States as long as that person is authorized to possess the feathers. Feathers from a falconry raptor may be donated to any person with a valid permit to possess them, or to anyone exempt from a permit requirement for feather possession. Any feathers of falconry raptors possessed by a falconer whose license has expired or been suspended or revoked shall be donated to any person exempt from the permit requirement or authorized by permit to acquire and possess the feathers within 30 calendar days of the license expiration, suspension or revocation. If the feathers are not donated, they shall be burned, buried, or otherwise destroyed.

(12) PURCHASE, BUY, SELL, TRADE, OR BARTER. No person may purchase, buy, sell, trade or barter wild raptors or any parts thereof including but not limited to feathers. A licensee may purchase, buy, sell, trade or barter captive-bred, hybrid or exotic raptors marked with seamless bands to other licensed falconers who are authorized to possess them.

(13) USE OF HYBRID, NON-NATIVE, AND EXOTIC RAPTORS. When flown free, hybrid, non-native, or exotic raptors shall have attached at least two functioning radio transmitters to allow the raptor to be located.

(14) OTHER USES OF FALCONRY RAPTORS. A licensee may use falconry raptors for education, exhibiting, propagation, or abatement. A licensee may use transfer a wild-caught raptor to a raptor propagation permit for lawful purposes other than falconry, but the raptor shall have been used in falconry for at least two years, or at least one year for a sharp-shinned hawk, merlin, Coopers hawk and American kestrel, prior to engaging in another use. A wild caught raptor may be used for lawful purposes transferred to another permit type other than falconry in less than two years only if it has been injured and can no longer be used in falconry. In this case, the licensee shall provide a copy of a certification from a veterinarian to the department's License and Revenue Branch stating that the raptor is not useable in falconry.

(A) EDUCATION AND EXHIBITING. A licensee may use raptors in their possession for training purposes, education, field meets, and media (filming, photography, advertisements, etc.), as noted in Title 50, CFR, Section 21.29, if the licensee

possesses the appropriate valid federal permits, as long as the raptor is primarily used for falconry and the activity is related to the practice of falconry or biology, ecology or conservation of raptors and other migratory birds. Any fees charged, compensation, or pay received during the use of falconry raptors for these purposes may not exceed the amount required to recover costs. An Apprentice falconer may use his/her falconry raptor for education purposes only under the supervision of a General or Master falconer.

(B) PROPAGATION. A licensee may conduct propagation activities with raptors possessed under a falconry permit if the licensee possesses a valid federal Raptor Propagation Permit and the person overseeing propagation has any other necessary state and federal authorization or permits. The raptor shall be permanently transferred from a falconry license to a federal Raptor Propagation Permit if it is used for propagation eight months or more in a regulatory year in captive propagation and shall be reported by entering the required information on Form 3-186A in the USFWS's electronic reporting system. Transfer of a raptor from a falconry license to a federal Raptor Propagation Permit is not required if the raptor is used for propagation purposes fewer than eight months in a regulatory year.

(C) ABATEMENT. A Master falconer may conduct abatement activities with raptors possessed under a falconry license and receive payment if the licensee possesses a valid federal Special Purpose Abatement Permit. A General falconer may conduct abatement activities only as a sub-permittee of the holder of a valid federal Special Purpose Abatement Permit. Payment for providing abatement services may only be received by holders of a valid federal Special Purpose Abatement Permit.

(i) BANDING AND TAGGING.

(1) A goshawk, peregrine, gyrfalcon or Harris hawk wild raptor captured from the wild in California or acquired from another licensee or a permitted California wildlife rehabilitator shall be banded with a permanent, nonreusable, numbered USFWS leg band if the raptor is not already banded. Captive bred raptors that are listed under the MBTA shall be banded with seamless bands.

(A) A licensee shall obtain a band from the department's License and Revenue Branch or regional office prior to capturing a raptor from the wild.

(B) A licensee may purchase and implant an ISO (International Organization for Standardization)-compliant (134.2 kHz) microchip in addition to the band. The licensee shall report the band number and the microchip information on Form 3-186A in the USFWS's electronic reporting system.

(2) Lost or Removed Bands. A band may be intentionally removed from a raptor only by a department employee or a person authorized by the department's License and Revenue Branch or regional office. A licensee shall report the loss or removal of any band to the department's License and Revenue Branch and enter the required information on Form 3-186A in the USFWS's electronic reporting system within five calendar days of the loss or removal.

(3) Rebanding. A licensee shall reband a raptor if the original band is lost or removed. The licensee shall enter the required information on Form 3-186A in the USFWS's electronic reporting system within 10 calendar days of rebanding.

(4) Prohibition on Defacing Band. The alteration, counterfeiting or defacing of a band is prohibited except that licensees may remove the rear tab or may smooth any imperfect surface provided the integrity of the band and numbering are not affected.

(5) Health Considerations. The department may approve an exemption from the banding requirement if a licensee provides documentation that health or injury problems to a raptor are caused by a band. If an exemption is approved, the licensee shall keep the written exemption and shall carry a copy when transporting or flying the raptor. If a wild Northern goshawk is exempted from the banding requirement, an ISO-compliant microchip supplied by the USFWS shall be used instead.

(i) FACILITIES, EQUIPMENT, AND INSPECTIONS.

(1) HOUSING STANDARDS AND SPECIFICATIONS. Raptor housing facilities shall meet the standards in Title 50, CFR, Section 21.29(d) at all times. Raptor housing facilities shall be inspected and certified by the department prior to issuance of a falconry license. Thereafter, a licensee shall maintain approved permanent facilities for housing raptors.

(A) Raptor housing facilities shall protect raptors housed in them from predators, the environment, domestic animals, and escape, and shall provide a healthy, clean, and safe environment.

(B) Indoor ("mews") or outdoor ("weathering area") raptor facilities may be used to house raptors.

(C) Falconry raptors may be kept outside in the open (such as in a weathering yard) at any location, only if they are in the immediate presence of a licensed falconer.

(D) Permanent falconry facilities may be either on property owned by a licensee, on property owned by another person where a licensee resides, or elsewhere with property owner approval.

(E) A licensee shall report to the department's License and Revenue Branch, in writing within five calendar days if the licensee moves his/her permanent falconry facilities to another location by submitting a completed Raptor Facilities and Falconry Equipment Inspection Report, as specified in Section 703, and the inspection fee.

(2) EQUIPMENT. A licensee shall have jesses or other materials and equipment to make them, leash, swivel, bath container, and appropriate scales or balances for weighing raptors he/she possess.

(3) INSPECTIONS. Inspections of indoor or outdoor facilities, equipment, and raptors shall be conducted by the department. Inspections are required for a new applicant, applicants renewing a lapsed license, and licensees that move facility housing to a new address, and these persons shall initiate the inspection by submitting a complete Raptor Facilities and Falconry Equipment Inspection Report and fees, as specified in Section 703. Equipment and facilities that meet the minimum federal standards shall be certified by the department using the Raptor Facilities and Falconry Equipment Inspection Report. Equipment and facilities that do not meet the minimum standards and specifications shall not be certified by the department.

(A) The department may conduct unannounced visits to inspect facilities, equipment, or raptors possessed by the licensee, and may enter the premises of any licensed falconer during a reasonable time of the day and on any day of the week. The department may also inspect, audit, or copy any permit, license, book, or record required to be kept by the licensee under these regulations at any time.

(B) If a licensee's facilities are not on property owned by the licensee, he/she shall submit to the department's License and Revenue Branch a signed and dated statement indicating the property owner agrees that the falconry facilities and raptors may be inspected by the department without advance notice.

Note: Authority: Fish and Game Code Sections: 200, 202, 203, 355, 356, 395, 396, 398, 710.5, 710.7, 713, 1050, 1054, 1530, 1583, 1802, 3007, 3031, 3039, 3503, 3503.5, 3511, 3513, 3800, 3801.6, 3950, 4150, 10500. Reference: Fish and Game Code Sections: 395, 396, 713, 1050, 3007, 3031, 3503, 3503.5, 3511, 3513, 3801.6. Title 50, Code of Federal Regulations, Parts 21.29 and 21.30, and California Penal Code Section 597.

Section 678, Title 14, CCR, repealed:

~~678. Captive Raptor Breeding.~~

~~(a) General Provisions. No person shall engage in any activity related to the propagation of raptors except as provided by the Fish and Game Code and regulations provided herein. Applicable regulations adopted by the U.S. Secretary of the Interior pursuant to the Migratory Bird Treaty Act and published in Title 50, Code of Federal Regulations (CFR), Part 21 (Revised 9/14/89) are hereby incorporated and made available upon request from the Department of Fish and Game, Wildlife Protection Division, 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090.~~

~~(b) Department Inspections. The department may enter the premises of any permittee at any reasonable hour to inspect all housing, equipment, or raptors possessed by the permittee, or to inspect, audit, or copy any permit, book, or record required to be kept by these regulations.~~

~~Note: Authority cited: Sections 200 and 395, Fish and Game Code. Reference: Sections 200 and 395, Fish and Game Code.~~

Commissioners
Michael Sutton, President
Monterey
Richard Rogers, Vice President
Santa Barbara
Jim Kellogg, Member
Discovery Bay
Jack Baylis, Member
Los Angeles
Vacant, Member

STATE OF CALIFORNIA
Edmund G. Brown Jr., Governor

Fish and Game Commission



1305-11
Cpage
Sonke Mastrup, Executive Director
1416 Ninth Street, Room 1320
Sacramento, CA 95814
(916) 653-4899
(916) 653-5040 Fax
www.fgc.ca.gov

February 22, 2013

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB 22 PM 3:04

TO ALL INTERESTED AND AFFECTED PARTIES:

This is to provide you with a copy of the notice of proposed regulatory action relative to Section 7.50, Title 14, California Code of Regulations, relating to Klamath-Trinity Rivers salmon sport fishing, which will be published in the California Regulatory Notice Register on February 22, 2013.

Please note the dates of the public hearings related to this matter and associated deadlines for receipt of written comments.

Mr. Neil Manji, Department of Fish and Wildlife, Northern Region, phone (530) 225-2374, has been designated to respond to questions on the substance of the proposed regulations.

Sincerely,

Handwritten signature of Sherrie Fonbuena in cursive.

Sherrie Fonbuena
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 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 215 and 316.5 of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath River sport fishing.

Informative Digest/Policy Statement Overview

The Klamath River System, which consists of the Klamath River and Trinity River Basins, is managed through a cooperative system of State, Federal, and Tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean recreational, ocean commercial, river recreational and Tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

Commission adopts regulations for the ocean salmon recreational (inside three miles) and the Klamath River System recreational fisheries which are consistent with federal fishery management goals.

Klamath River Fall-Run Chinook

Klamath River fall-run Chinook salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between Tribal and non-Tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2013 KRFC in-river recreational fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath Basin and equitably distribute harvest while operating within annual allocations.

Klamath River Spring-Run Chinook

The Klamath River System also supports Klamath River spring-run Chinook salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in-river recreational fishery is managed by general basin seasons, daily bag limit, and possession limit regulations.

KRFC Allocation Management

The 2012 allocation for the Klamath River System recreational harvest was 67,600 adult KRFC. Preseason stock projections of 2013 adult KRFC abundance will not be available from the PFMC until March 2013. The 2013 Klamath Basin allocation will be recommended by the PFMC in April 2013 and presented to the Commission for adoption prior to its April 2013 meeting.

For public notice requirements, the Department of Fish and Wildlife (Department) recommends the Commission consider an allocation range of 0 – 67,600 adult KRFC in the Klamath River Basin for the river recreational fishery.

Current Recreational Fishery Management

The KRFC in-river recreational harvest allocation is divided into geographic areas and harvest is monitored under real time sub-quota management. KRSC in-river recreational harvest is managed by general season, daily bag limit, and possession limit regulations.

The daily bag and possession limits apply to both stocks within the same sub-area and time period.

Proposed Changes

The Department is proposing the following changes to current regulations:

No changes are proposed for the general (KRSC) opening and closing season dates.

KRFC Season, Bag Limit, and Possession Limit

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2013 basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the sub quota has been met.

The proposed open seasons and range of bag limits for KRFC salmon stocks are as follows:

1. Klamath River - August 15 to December 31
2. Trinity River - September 1 to December 31
3. Bag Limit - [0-4] Chinook salmon – of which no more than [0-4] fish over 22 inches total length until sub quota is met, then 0 fish over 22 inches total length.

The possession limit is proposed as a range of [0-12] Chinook salmon of which [0–12] over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

A non-substantive change is made to subsection 7.50(b)(91.1)(B)1. to reflect the renaming of the Department of Fish and Game as the Department of Fish and Wildlife.

Benefits of the Proposed Regulations

The benefits of the proposed regulations are in conformance with Federal law, sustainable management of Klamath River Basin salmon resources, and promotion of businesses that rely on recreational salmon fishing in the Klamath River Basin.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate sport fishing 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 in the Mount Shasta Hatchery Museum, 3 North Old Stage Road, Mount Shasta, California, on Wednesday, March 6, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Flamingo Conference Resort & Spa,

2777 Fourth Street, Santa Rosa, California, on Wednesday, April 17, 2013 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 7, 2013 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 12:00 p.m. on April 15, 2013. All comments must be received no later than April 17, 2013, at the hearing in Santa Rosa, CA. 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, Sonke Mastrup, 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 Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Mr. Neil Manji, Manager, Northern Region, Department of Fish and Wildlife, telephone (530) 225-2374, 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 Business, 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 projected to have unknown negligible impact on the net revenues to businesses servicing sport fishermen. This is

not likely to affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (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 significant 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 regulations range from no salmon fishing on adult Chinook salmon (>22 inches) in 2013 to a normal Klamath River Basin salmon season; therefore, the potential employment impacts range from 0 to 47 jobs. However, due to the fact that sport fishing for Chinook salmon will be allowed for grilse fall Chinook salmon, any adverse impacts to businesses would be less severe than under a complete closure of fishing. 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 action is to increase sustainability in fishable salmon stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the environment by the sustainable management of California's salmon resources.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages consumption of a nutritious food.

The Commission does not anticipate any benefits to worker safety.

- (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 12, 2013

Sonke Mastrup
Executive Director



February 22, 2013

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB 25 AM 9:56

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

Dear Clerk:

Attached is a copy of a letter addressed to Supervisor Eric Mar for your files. This letter has been prepared for all 11 Supervisors. Enclosed in the envelope are the originals addressed to each Supervisor. Please distribute them at your earliest convenience. The information will be useful for the full Board Meeting on Tuesday, February 26.

Sincerely,

Anson Lee
Corporate Manager





February 22, 2013

Supervisor Eric Mar
City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102

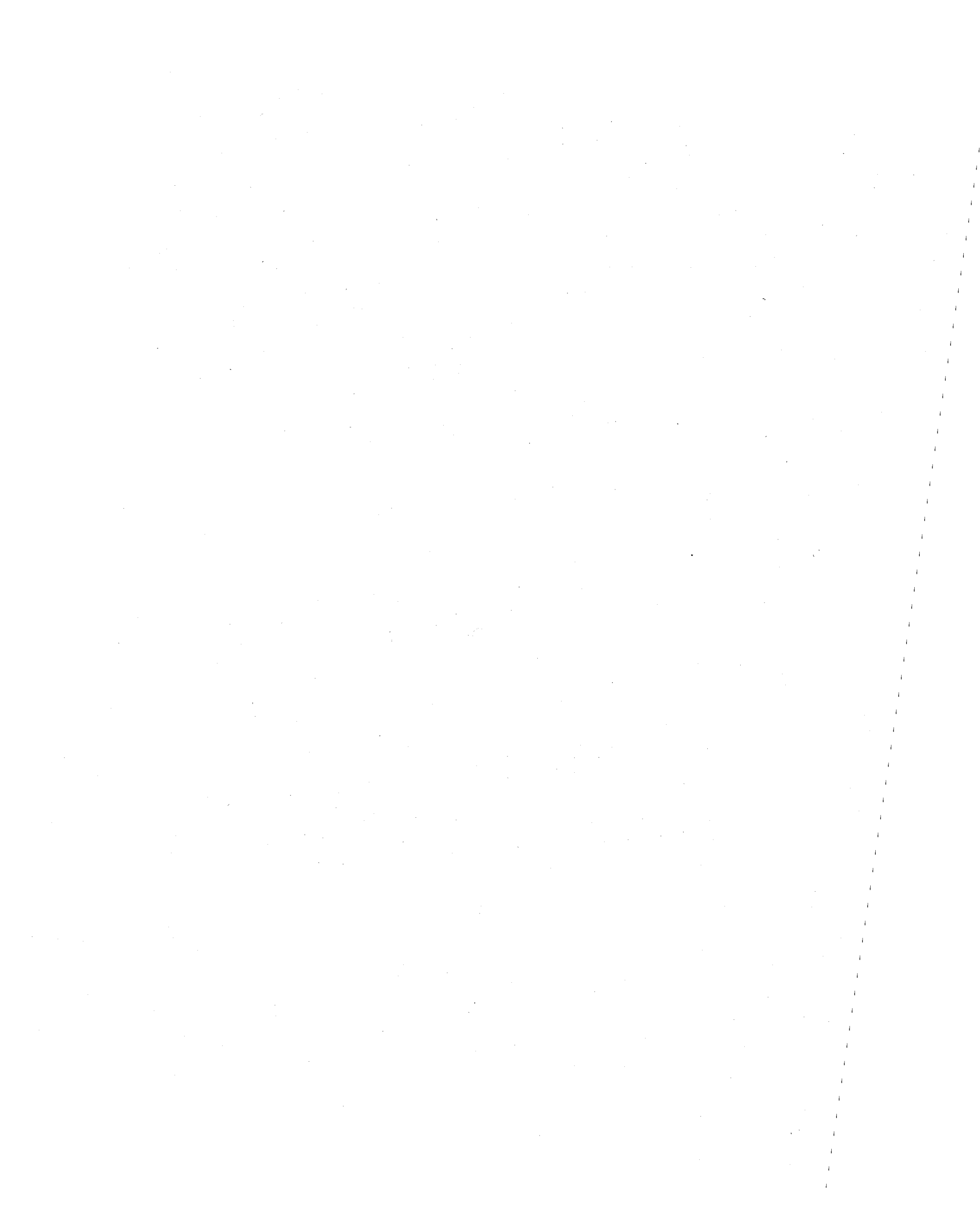
Dear Supervisor:

As President of City of San Francisco Uptown Parking Corporation, I am writing to you on behalf of our Board of Directors, to request your support to approve the new lease for the Corporation to manage the Sutter Stockton Garage. This matter is on the calendar of the Board of Supervisors' meeting of February 26.

This non-profit corporation was organized to assist the City of San Francisco to develop, finance, construct and operate the Sutter Stockton Garage. It has been managing the Garage non-stop and always successfully since November 19, 1960, the day it first opened, as a clean, convenient and efficient facility. The goal of the Corporation to have this new lease approved is to continue the local community's involvement in the Garage for the benefit of the City, to provide parking for the visitors and citizens of San Francisco who come to Union Square to shop in the stores, stay in the hotels, eat in the restaurants while generating sales and gross receipts tax for the City's General Fund.

The Board members of our Corporation are all owners or associated with large and small businesses in the Downtown neighborhood, or involved with community functions, such as the B.I.D. They are not paid for sitting on the Board, and volunteer their time and expertise to the management of the Garage.

Although Downtown is not a community in the geographical or ethnic sense, it is a community of San Franciscans, the people who work Downtown, the small business owners, and the patrons who come Downtown to patronize the businesses. Thousands of jobs depend on the vitality of Downtown. The parking at Sutter Stockton Garage provides the best that there is, and it should be maintained at that level with the necessary community input.



The argument that the City could save \$154,000.00 in expenses if our Corporation were not running the Garage is somewhat specious. That figure is comprised of actual expenses which would have to be paid in either case. It is comprised almost totally with the salaries of the Corporate Manager and Bookkeeper and legal fees and accounting fees, all of which are services that would have to be met if the Corporation were not managing the Garage. The Garage must be managed, leases drawn, and financial records maintained. These are all expenses which still must be paid regardless of who is running the Garage. If Uptown's lease is not approved, the savings would not be significant if the Garage is managed by SFMTA.

The members of our Board Corporation are very interested in the condition of the Garage, which is now 53 years old. Capital Improvements will be needed, and the corporate oversight of experienced and interested business people is invaluable.

- Other considerations for the arguments in favor of the approval of the lease to Uptown are:
- Although not before the Board at this time, this Corporation manages the Union Square Garage and has a lease to manage the Union Square Plaza, for which the Board members devote their time and attention, with the same care and interest for these precious assets of the City.
- The members of our corporate Board are Downtown business people but are also members of the Union Square Business Improvement District and are involved in and very familiar with the Downtown community, and do everything that they can for the financial health and vitality of the Downtown Union Square community.
- Uptown will market the Garage, which is something SFMTA does not do, They will do outreach to fulfill the expectations of San Franciscans and visitors to the City.

The care and volunteerism of Downtown in providing parking in the community have helped to avoid the deterioration problems which have surfaced in many other Downtown areas of the country. The attention of the Board who support parking in the Union Square area would help avoid the incalculable loss of property values that has occurred in other cities, and would increase the sales

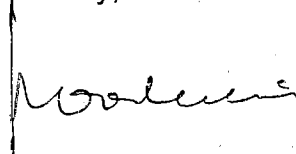
Page 3
February 22, 2013

and gross receipts tax to the City of San Francisco, as well as the tax base for property tax.

The new lease, before you for approval which was drawn up by SFMTA, provides that the Corporation will comply with all of the City's regulations and procedures. All of the recommendations of the Controller's Audit have been met in the terms of this new Lease. It is a benefit for the City of San Francisco if this precious asset were continued to be managed by members of the community and local persons who have a stake in the success of the Sutter Stockton Garage. On behalf of the Board of City of San Francisco Uptown Parking Corporation, who pledges its interest and support of this Garage, I strenuously urge you to vote to approve the new lease at Tuesday's Board of Supervisors meeting. I, or any of us involved in the Garage, would be delighted to discuss this further with you, or answer any questions you may have.

Thank you for your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Sidney Goodwill", written over a vertical line that extends from the word "Sincerely," above.

Sidney Goodwill
President

File 130037



Request for City Services - Clerk of the Board

Enter Personal Details > Enter Service Request Details > Review & Submit > Attach Photo(s) / File(s) > **Print & Track**

BOS-11
cpage

Successfully Submitted

Thank you for your submission. You will receive an email confirmation with a link to follow the progress of your submission.

If you have any additional requests or questions, you can call us 7 days a week, 24 hours a day at 311 (for calls outside of San Francisco please dial 415-701-2311).

Your Tracking Number is: 2049732

Feb 22 2013 10:29PM.

Please print a copy for your records. You may close your browser when done.

Location Information:

Location Description:

Request Details:

Category:	Complaint
Department:	Board of Supervisors (BOS)
Sub-Division:	Clerk of the Board

Additional Information:

Additional Request Details: Supervisor David Campos' latest attempt to change the name of San Francisco International Airport is just a useless in your face political stunt for the LGBT community and it will waste money. There is no problem with the current name, so don't waste money to fix something that isn't broken. Besides, SFO is a major transportation infrastructure to the Bay Area, so it deserves to keep its current name. Harvey Milk should be honored with a community event or building, in the way San Jose and other places named a piece of community staple after Dr. Martin Luther King Jr. CHANGING THE AIRPORT'S NAME IS JUST WRONG.

Customer Contact Information:

First Name:
 Last Name:
 Primary Phone:
 Alternate Phone:
 Address Number:
 Street Name:
 City, State:
 ZIP Code:
 Email: anonymous@sfgov311.org

Customer requested to be contacted by the department servicing their request:

BACK OFFICE USE ONLY *****

Source Agency Request Number:	<input type="text"/>
Responsible Agency Request Number:	<input type="text"/>
Service Request Work Status:	<input type="text"/>
Work Status Updated:	<input type="text"/>

Print

8

From: Board of Supervisors
To: BOS-Supervisors; Wong, Linda (BOS)
Subject: File 130037: Harvey Milk no Gay Gandhi

From: Allen Jones [<mailto:jones-allen@att.net>]
Sent: Sunday, February 24, 2013 8:55 AM
To: Board of Supervisors
Subject: Harvey Milk no Gay Gandhi

Attention: All Members of the San Francisco Board of Supervisors,

The City Insider piece of 2/23/13 predicts the predictable. However, instead of doing responsible reporting, it seems from this last paragraph of the piece that, the City Insider would love a bloody fight. *"If we had to bet, we'd say Campos will eventually secure a sixth vote — and that more supervisors may hop on the bandwagon once it's a done deal. And then the real fun begins — convincing the voters."*

There is a gay Gandhi but his name is not Harvey Milk.

It is no secret that Blacks, who oppose homosexuality, are far from accepting. However, the life work of Bayard Rustin could very well bring these two sides closer together if the Board of Supervisors would take a step back before, proceeding with this issue.

I am sending the links of SOME of the concerns I have.

I am also hoping that someone would search the film "Brother Outsider - The Life of Bayard Rustin." This man is everything Supervisor Campos is looking for in a person deserving of the high honor in renaming SFO and promoting acceptance. The reason no one knows of this civil right champion is because as a homosexual, he was forced into the background of the civil rights fight.

This is the link to the Examiner op-ed by Supervisor Campos. My only objection to this piece is the candidate Harvey Milk. In my opinion, Campos is on to something and it should be well thought out before we proceed. <http://www.sfexaminer.com/opinion/op-eds/2013/02/renaming-sfo-include-harvey-milks-name-would-be-beacon-hope>

This is the link to the letter from Harvey Milk to President Carter. In my opinion, this is the main reason but not the only reason, the board should not even consider the name Harvey Milk. The purpose of sending the letter to President Carter is also strange but I can explain if interested. <http://www.lettersofnote.com/2010/02/in-defence-of-jim-jones.html>

This link <http://youtu.be/BxhKgnyWcuw> is to a 4 minute piece on Bayard Rustin, an unashamed homosexual a civil rights activist for over sixty years. There is a 90 minute film that you could rent through Netflix or other movie rental stores.

Promoting gay rights should not be at the expense of the 900 Black San Franciscans who lost their lives by con man, Jim Jones, who was a friend of and praised by a gullible Harvey Milk.

The list of still living prominent San Francisco politicians who were fooled by Jim Jones can only add to the



embarrassment of placing Harvey Milk's name before the voters. And I think it is wise that, the Board of Supervisors steer clear of a campaign filled with praise of Jim Jones, by Milk.

Allen Jones

(415) 756-7733

jones-allen@att.net

<http://casegame.squarespace.com>



120987

BOS-1

February 21, 2013

Re: Woodhouse Marina Green Project

Members of the Board of Supervisors:

My name is Thomas Coates, resident of the Marina, and I am emailing you in support of the proposed Woodhouse Fish Company at the Marina Degaussing Station.

I think this project will be an extremely valuable addition to the area. This location is ideal for such a restaurant, and would bring numerous benefits to the Marina. I am happy to show my support, and look forward to attending the restaurant in the future.

Respectfully,

Thomas Coates
Managing Member of Jackson Square Properties



From: Board of Supervisors
To: Calonsag, Rana
Subject: File 120987: Marina Degaussing Station Restaurant Proposal (File # 120987); Terrible Idea

From: wendy taylor [mailto:wentay@pacbell.net]
Sent: Sunday, February 24, 2013 5:53 PM
To: Farrell, Mark; Mar, Eric (BOS); Chiu, David; Chu, Carmen; Breed, London; Kim, Jane; Yee, Norman (BOS); Wiener, Scott; Campos, David; Cohen, Malia; Avalos, John
Cc: Philip.Ginsberg@sfgov.org; Commission, Recpark; Board of Supervisors
Subject: Marina Degaussing Station Restaurant Proposal (File # 120987); Terrible Idea

Dear Supervisors,

I am a homeowner in the Marina and my husband and I recently had our first child. The idea of putting a restaurant on Marina Green that serves alcohol makes no sense. There are plenty of bars and restaurants in the area, and there is absolutely no need to put a restaurant in that location. The Marina Green is a great place to go with the family - please don't take that away from us. It is this type of commercialization that is making San Francisco much less friendly to families.

We often go out to the Marina Green and watch our friends' kids play soccer. I have not found one parent that supports this idea - no one wants alcohol being served so close to the kids.

Please stop this ill-conceived project.

Yours truly,
Wendy Taylor
Marina Homeowner and Parent



From: Board of Supervisors
To: Calonsag, Rana
Subject: File 120987: Grandma Against Marina Degaussing Station Restaurant Proposal (File # 120987)

From: packrell@pacbell.net [mailto:packrell@pacbell.net]
Sent: Sunday, February 24, 2013 5:28 PM
To: Farrell, Mark; Mar, Eric (BOS); Chiu, David; Chu, Carmen; Breed, London; Kim, Jane; Yee, Norman (BOS); Wiener, Scott; Campos, David; Cohen, Malia; Avalos, John
Cc: Philip.Ginsberg@sfgov.org; Commission, Recpark; Board of Supervisors
Subject: Grandma Against Marina Degaussing Station Restaurant Proposal (File # 120987)

Dear Supervisors,

I urge you not to support the restaurant project on the Marina Green. It is a terrible idea.

Twice a week I pick up my granddaughter from my son's home in the Marina, and I push her in her stroller around the Marina Green. It is such a beautiful place to walk and sit on a bench and just watch the water.

I am afraid the additional traffic and noise will very much alter the whole experience of the Marina Green. In addition, I don't think alcohol is at all appropriate in that setting. Do I really need to push my granddaughter by an outside beer garden?

As a family we very much enjoy being a part of San Francisco. Please don't take away the open space that we all enjoy. The City should do what it can to be more family friendly - not less. Please stop this project.

Respectfully,

Mrs. Patricia Ackrell - "Grandma"



Board of Supervisors

To: BOS-Supervisors; Evans, Derek
Subject: Files 130039 & 130040: FLAWED GUN LEGISLATIVE PROPOSALS -- Do Not Enact

From: Julie Burns [<mailto:julieburns@sealrock.com>]

Sent: Wednesday, February 20, 2013 1:32 PM

To: Mar, Eric (BOS)

Cc: hknight@sfnchronicle.com; Avalos, John; Campos, David; Chiu, David; Cohen, Malia; Board of Supervisors; Elsbernd, Sean; Farrell, Mark; Kim, Jane; 'Andrew Hayes'; Chu, Carmen; David Burns; Raymondsnf@aol.com; Jason Jungreis; Campos, David; Yee, Norman (BOS); Raymondsnf@aol.com

Subject: FLAWED GUN LEGISLATIVE PROPOSALS -- Do Not Enact

Eric and others:

I am a woman shooter and a San Francisco resident and voter. I shoot a 9mm semiautomatic weapon for recreation – an activity that improves my mind, coordination, focus and skill.

We all can agree on the goal of reducing gun violence and the illegal circulation of weapons. But these flawed initiatives will do nothing to address either of those goals. Here's why:

- File 130040 would ban " the possession and sale of certain ammunition, including black talon ammunition and ammunition intended exclusively for law enforcement and military purposes." San Francisco law already prohibits the sale of the ammunition listed in File 130040. And in fact, Winchester stopped manufacturing Black Talon ammunition in 2000. The description of "ammunition intended exclusively for law enforcement and military purposes" is vague and establishes no objective criterion. As a shooter, I don't know what the ordinance intends. How do I know if I possess or might come into possession of ammunition?
- File 130039 requires the reporting of ammunition sales of 500 or more rounds. This unfairly penalizes competitive and recreational shooters – like myself, my husband, and my cousin – because we need to purchase ammunition in bulk for practice and to maintain our skills. For those who don't shoot, 500 rounds may sound like a lot. To those who practice, it might represent only a few practice sessions at the range.

Some of you know my efforts as a Director of the Planning Association for the Richmond (PAR), co-founder of Friends of Lands End (FOLE), and work with other neighborhood groups in the Richmond. If I thought the proposed ordinances would truly benefit our City, I would urge you to enact these initiatives. But it will not.

I urge you to WITHDRAW this proposed legislation.

Julie Burns, Ph.D.

Seal Rock Research

+1.415.666.3092 office

+1.415.341.6060 mobile

+1.415.666.0141 fax

julieburns@sealrock.com

Lippe Gaffney Wagner LLP

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SACRAMENTO • 9333 Sparks Way, Sacramento, CA 95827 • T 916.361.3887 • F 916.361.3897

Thomas N. Lippe
Brian Gaffney
Keith G. Wagner
Kelly A. Franger
Henry A. Steinberg

File 130019 30s-11
c pages

February 25, 2013

Hon. David Chiu and Members of the
City and County of San Francisco Board of Supervisors
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Via hand-delivery
2/25/13 Received
in Committee
all

Re: **OPPOSE:** Planning Code, Zoning Map – Central Subway Tunnel Boring Machine
Extraction Site Special Use District (Agenda Item #2, Board File #130019, February 25,
2013, Land Use and Economic Development Committee Agenda)

Dear President Chiu and Members of the Board:

This office represents Howard Wong and SaveMuni.com regarding the Central Subway project. I write on their behalf to object to the Land Use Committee calling this item to order for consideration at today's hearing and to object to any approval by the Board of Supervisors of the proposed Zoning Map changes and Special Use District. The grounds for these objections are set forth in this letter and in my comment letters to the Board of Supervisors, Planning Commission and Municipal Transportation Agency dated February 5, 14, and 19, 2013, copies of which are submitted today with this letter.

On February 14, 2013, the Planning Commission approved a conditional use authorization and recommended that this Board adopt the proposed Special Use District for the Central Subway Project's use of the Pagoda Theater property, as set forth in its Resolution No. 18805 and Motion No. 18806. With respect to its obligation to comply with the California Environmental Quality Act before taking said actions, the Planning Commission refused to prepare a supplemental environmental impact report ("EIR") for the Project, and instead purported to comply with CEQA by adopting an addendum to the 2008 Final Supplemental EIR certified for this Project.

On Thursday, February 21, 2013, my office filed an administrative appeal ("Appeal") on our clients' behalf challenging said actions on grounds that the Planning Commission actions violate CEQA.

1. Any refusal by the City Clerk to calendar said Appeal for hearing by this Board or refusal by this Board to hear said Appeal will violate Public Resources Code section 21151 and City Administrative Code section 31.16(b).

On February 22, 2013, Deputy City Attorney Andrew Shen issued a memorandum to the Clerk of the Board of Supervisors asserting that the Planning Commission's actions are not appealable under CEQA or the City's Administrative Code. The City Attorney's memorandum asserts that because the word "addendum" does not appear in subdivision (c) of section 21151 of the Public Resources Code, 1) the public has no statutory right to appeal the Planning

Handwritten text at the top of the page, possibly a title or header, which is mostly illegible due to blurring and low contrast.

Handwritten text in the upper middle section of the page, appearing as a separate line or short paragraph.

Main body of handwritten text, consisting of several lines of cursive script that are extremely faint and difficult to decipher. The text appears to be a continuous flow of writing, possibly a letter or a journal entry.

City and County of San Francisco Board of Supervisors

February 25, 2013

Page 2 of 5

Commission's actions to this Board; and 2) the City's Administrative Code similarly does not authorize an appeal procedure these actions. With due respect, the City Attorney is wrong on both counts.

Public Resources Code section 21151, subdivision (c), states: "If a nonelected decisionmaking body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decisionmaking body, if any."

An "addendum," under CEQA Guidelines section 15164, by its nature, is a substantive addition to a previously certified EIR that must be considered by the agency's decisionmakers in conjunction with the previous EIR before issuing any discretionary approval that is the subject of the addendum (i.e., "addition to") the EIR. (CEQA Guidelines, §§ 15164(a) and (d).) Accordingly, the approval of changes to a Project by a non-elected body based on an addendum to an EIR is the adoption of a new part of the EIR and, therefore, is subject to administrative appeal to the City elected body (i.e., the Board of Supervisors) under Public Resources Code, § 21151(c).

The fundamental problem with the City Attorney's opinion is that it fails to address the most crucial inquiry when construing a statute, i.e., the intent of the Legislature. (*International Federation of Professional & Technical Engineers, AFL-CIO v. City of San Francisco* (1999) 76 Cal.App.4th 213, 224 ["The court's primary task in statutory construction is to ascertain the intent of the legislative body to effectuate the purpose of the law."])¹ Public Resources Code, section 21151, subdivision (c) is clear in expressing the Legislature's intent that final decision-making responsibility by local agencies regarding the nature and extent of environmental review required by CEQA resides with an agency's elected officials, not their appointed proxies. As the Supreme Court has recognized, CEQA seeks to ensure that elected officials remain accountable to the public for their environmental decision-making, so that the electorate can replace elected officials who make environmental decisions with which the voters disagree. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392 ["If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. [citations omitted] The EIR process protects not only the environment but also informed self-government."])

This conclusion is supported by the scope of decisions that are called out in section 21151 as specifically requiring the availability of appeal to the agency's elected body. Section 21151, subdivision (c), provides that a determination by a non-elected body that a project is exempt from CEQA (i.e., that no CEQA documentation shall be required at all) must be

¹ (See also *California Employment Stabilization Commission v. Payne* (1947) 31 Cal.2d 210, 214 ["In accordance with the general rules of statutory construction, we must give effect to [the Legislature's] intention unless there is some constitutional objection thereto"]; *People v. Higgins* (1948) 87 Cal.App.2d Supp. 938, 941 ["literal interpretation is to be avoided when it conflicts with the manifest legislative intent"].)

appealable to the agency's elected body. Section 21151, subdivision (c), also guarantees the right of appeal to the agency's elected body where new CEQA documentation is prepared that asserts a project has no adverse impacts at all (i.e., by a Negative Declaration). Since CEQA establishes a statutory right of public appeal to an agency's elected body 1) where no CEQA documentation is prepared or approved for a project, 2) where new documentation is prepared and adopted asserting a project has no adverse impacts, or 3) where an EIR is prepared and certified; it makes no sense for the City to take the position that the nonelected Planning Commission's certification of a substantive addition to the EIR (a.k.a., "addendum") is not appealable under section 21151, subdivision (c). (See also *Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App.3d 1538, 1543 [certification of CEQA addendum by non-elected County planning commission appealed to elected County Board of Supervisors].)

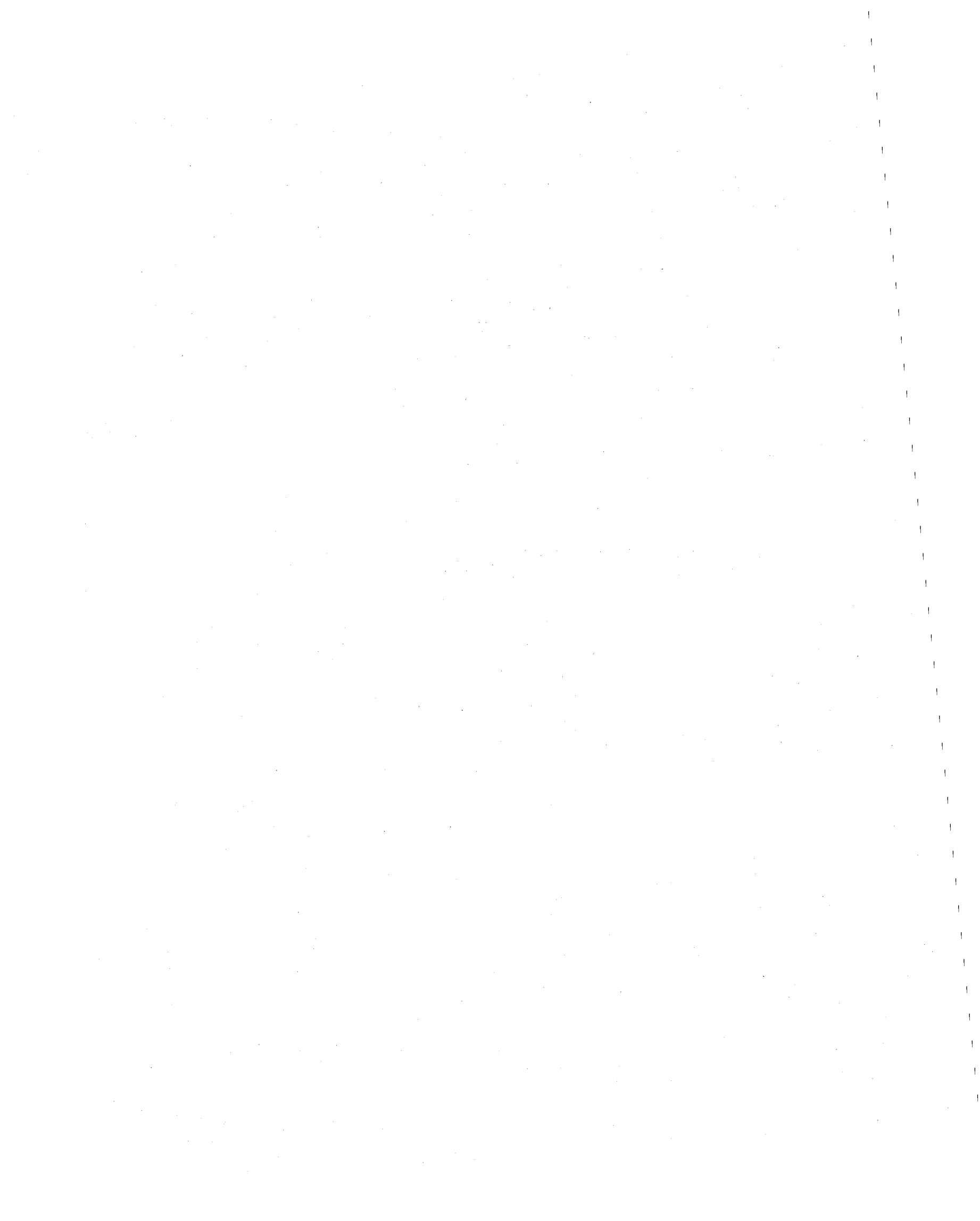
The City Attorney's opinion fails to recognize that the Planning Commission's challenged decision to proceed by way of certifying an addendum (i.e., "addition to") the 2008 EIR is, in fact, a decision that the 2008 Final SEIR as augmented by the addendum to the EIR is adequate for purposes of providing environmental review under CEQA of the current changes to the Project. Therefore, it is a decision regarding certification of an EIR that is appealable under PRC section 21151, subdivision (c) and section 31.16 of the City's Administrative Code.

2. My client's appeal of the Planning Commission's February 14, 2013 approval of the Conditional Use Authorization on CEQA grounds prohibits further consideration of the Project by any City agencies, including this Board of Supervisors.

Because the Planning Commission's actions are appealable to this Board on grounds of noncompliance with CEQA under SFAC section 31.16, the Board, including this Land Use Committee, lacks authority to call this agenda item for public hearing at today's meeting. SFAC section 31.16(a)(3) unambiguously provides that the City, which includes this Committee, "shall not carry out or consider the approval of a project that is the subject of the EIR on appeal." (emphasis added.) Therefore, my clients' filing of the Appeal prohibits further consideration of the Project by any City agencies, including this Board of Supervisors and this Committee. Indeed, the only purpose of today's hearing is to allow the Board as a whole to "consider the approval" of the project by accepting public testimony and evidence regarding the project.

Our clients are aware that the City Attorney has previously opined that no "consideration" of the Project, and, thus no violation of section 31.16(a)(3), occurs so long as the Land Use Committee, at the end of its public hearing, does not "take action" by making a recommendation to the full Board as to whether the Project should be approved. This opinion is legally incorrect.

The construction of an ordinance is a question of law. (*Reid & Sibell, Inc. v. Gilmore & Edwards Co.* (1955) 134 Cal.App.2d 60, 72; *County of Monterey v. Madolora* (1959) 171 Cal.App.2d 840, 841.) An ordinance "must be construed according to its natural import in common and approved usage." (*City of Norwalk v. Auction City Inc.* (1960) 186 Cal.App.2d 287, 291.) "[A] court construing a statute is not authorized to insert qualifying provisions or exceptions not included by the Legislature or to rewrite the statute to conform to some assumed



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intention that does not appear from its language.” (*Bradley v. Breen* (1999) 73 Cal.App.4th 798, 804, citing *Napa Valley Wine Train, Inc. v. Public Utilities Com.* (1990) 50 Cal.3d 370, 381.)

The plain language of section 31.16(a)(3) prohibits any City entity from “consider[ing] the approval of a project” where the EIR is pending appeal. Webster’s online dictionary defines the word “consider” to mean, “to think about carefully,” as in “to think of especially with regard to taking some action,” or “to take into account.” Section 31.16(a)(3) also makes it clear, in using both phrases, that there is an intended difference between “considering” project approval versus “carrying out” a project approval. The City Attorney’s interpretation is wrong, because it effectively only applies the word “consider” to actions that would involve “carrying out” a project approval (i.e., making recommendation of approval). The City Attorney’s interpretation must also be incorrect because if the Land Use Committee is truly not “considering” any of the public testimony being given, then the City’s public hearing process is a sham.

Our clients are also aware that the City Attorney has previously asserted that its interpretation of section 31.16(a)(3) is correct, because the City has engaged in a pattern and practice of similarly violating section 31.16(a)(3) regarding other past CEQA projects. The problem with the City Attorney’s approach is that evidence of an agency’s past illegal practices is irrelevant, where there is no ambiguity in the plain language of an ordinance, “Words and phrases are constructed according to the context and the approved usage of the language....” (Civ. Code, § 13.) “An interpretation which gives effect is preferred to one which makes void.” (Civ. Code, § 3541.)

‘To ascertain intent, we look first to the words of the statutes’ [citation], ‘giving them their usual and ordinary meaning’ [citation]. If there is no ambiguity in the language of the statute, ‘then the Legislature is presumed to have meant what it said, and the plain meaning of the language governs.’ [Citation.] ‘Where the statute is clear, courts will not “interpret away clear language in favor of an ambiguity that does not exist.” [Citation.]’ [Citation.] (*State Bd. of Equalization v. Wirick* (2001) 93 Cal.App.4th 411, 416, quoting, *inter alia*, *Lennane v. Franchise Tax Bd.* (1994) 9 Cal.4th 263, 268.)

The City Attorney’s position that the City may continue to conduct hearings and accept new testimony and evidence regarding a project while an EIR appeal is pending so long as “no action” is taken, gives effect only to the phrase “carry out...an approval of a Project,” while impermissibly writing the word “consider” out of the ordinance. (Civ. Code, §§ 13, 3541; *Wirick, supra*, 93 Cal.App.4th at p. 416.)

For the foregoing reasons, our clients continue to object to the Project and to any attempt by the Land Use Committee to call this agenda item to order unless and until after such time as the full Board has heard and decided our clients administrative appeal of the Planning Commission’s improper actions.

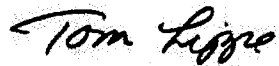
City and County of San Francisco Board of Supervisors

February 25, 2013

Page 5 of 5

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in black ink that reads "Tom Lippe". The signature is written in a cursive, slightly slanted style.

Thomas N. Lippe

From: Board of Supervisors
To: Miller, Alisa
Subject: File 130019: SAVEMUNI.COM ANALYSIS: PAGODA THEATER OPTION CUTS MUNI SERVICE
Attachments: PAGODA-THD LETTER 2-20-13 MUNI\$9MillionBusCuts.pdf

From: WongAIA@aol.com [mailto:WongAIA@aol.com]
Sent: Sunday, February 24, 2013 3:20 AM
To: Chu, Carmen; Mar, Eric (BOS); Avalos, John; Campos, David; Chiu, David; Board of Supervisors; Cohen, Malia; Farrell, Mark; Kim, Jane; Wiener, Scott; Breed, London; Yee, Norman (BOS)
Subject: SAVEMUNI.COM ANALYSIS: PAGODA THEATER OPTION CUTS MUNI SERVICE

SaveMuni.com Analysis

CENTRAL SUBWAY:

UNNECESSARY PAGODA THEATER OPTION CUTS MUNI SERVICE



North Beach merchants and residents have united against economic damage to their neighborhood. But some members of the community will still suffer from the Pagoda Theater's unnecessary tunnel work. Instead, Tunnel Boring Machines (TBMs) can be buried underground or extracted in Chinatown---saving up to \$80 million and avoiding Muni service cuts. The Pagoda Theater requires a Supplemental EIR---due to unstable soil conditions, adjacent historic buildings and spot-zoning to benefit one property.

PAGODA THEATER CUTS MUNI BUS SERVICE

TBMs extraction at the Pagoda will cost an unnecessary \$9.15 million in Muni operating funds.

STREETSBLOG: "Central Subway Pagoda Deal Will Take \$9 Million From Muni Operating Funds"
<http://sf.streetsblog.org/2013/02/20/central-subway-pagoda-deal-will-take-9-million-from-muni-operating-funds/>

EXAMINER: "City Transit Needs a Major Overhaul", SaveMuni.com Letter to Editor
<http://www.sfexaminer.com/opinion/letters-editor/2013/02/city-transit-needs-major-overhaul>

ATTACHED: Telegraph Hill Dwellers asks for TBMs extraction in Chinatown.

If built, the Central Subway Project will reduce surface transit throughout the northeast quadrant. In the Federal Transit Administration's summary, the Central Subway will take \$15.21 million in operating funds from Muni---annually. Per the Final SEIS/SEIR, the subway will cause 76,400 hours of reduced Annual Diesel/ Trolley Bus Hours. In the FY 2012 New Starts Criteria Report, the subway will cause 34,426 hours of reduced Annual Trolley Bus Hours.

BURY TBMs OR EXTRACT TBMs IN CHINATOWN

The Pagoda Theater's TBMs extraction is totally unnecessary. It is fiscally irresponsible to spend up to \$80 million for the northern tunnel extension to North Beach---to get only \$4.4 million in TBM salvage value. Instead, per the original plans in 2005-08, the TBMs can be extracted or buried in Chinatown, saving up to \$80 million and eliminating all disruptions.

TBMs ROUTINELY BURIED

TBMs are frequently entombed in concrete and placed in out-of-the-way locations for any future line extensions. Other subway projects have avoided disruptions to neighborhoods.

BRISBANE, AUSTRALIA: Subway is burying two TBMs---lowered below tunnel and concrete-encased to decrease street impacts.
<http://www.theaustralian.com.au/national-affairs/tunnel-giants-to-be-entombed-as-underground-road-takes-shape/story-fn59niix-1226089288072>

<http://www.brisbanetimes.com.au/queensland/worksite-to-become-graveyard-for-machines-20110706-1h25s.html>

Time Lapse Burial: <http://www.youtube.com/watch?v=4i4DSvRoKQc>

CHUNNEL: One TBM was shifted sideways/ entombed in concrete. Second TBM was hollowed out.

[http://wiki.answers.com/Q/What happened to the boring machines used to build the Chunnel](http://wiki.answers.com/Q/What_happened_to_the_boring_machines_used_to_build_the_Chunnel)

NEW YORK CITY: East Side Access Rail Project is burying TBMs—for cost-savings and curbing disruptions to Park Avenue.

http://www.nytimes.com/2011/07/25/nyregion/deep-below-park-avenue-a-200-ton-drill-at-rest.html?_r=1&src=un&feedurl=http://json8.nytimes.com/pages/nyregion/index.jsonp

<http://www.mta.info/news/stories/?story=320>

<http://ca.news.yahoo.com/blogs/good-news/subway-tunnel-boring-subterranean-wonder-buried-under-grand-164749728.html>

<http://www.nysun.com/new-york/after-work-done-drills-likely-will-be-buried/46894/>

NEW YORK CITY: Second Avenue Subway's TBM was disassembled and pulled back through tunnel by locomotive.

<http://www.mta.info/news/stories/?story=394>

SEATTLE: Brightwater wastewater tunnel's TBM was damaged and partially abandoned.

http://www.seattlegeotech.org/Website/Dinner/files/ASCE_dinner_mtg_Oct2012-clare.pdf

http://seattletimes.com/html/localnews/2009822764_brightwater08m.html

YUCCA MOUNTAIN, NEVADA: TBM abandoned after federal funds canceled for nuclear waste project.

http://www.yuccamountain.org/pdf-news/machine_030606.pdf

SEATTLE: TBM tail was dismantled and cutter head was retrieved by crane.

YouTube Video: <http://seattletransitblog.com/2011/12/10/tbm-cutterhead-removal/>

SUBWAY TUNNELING: HIGH-RISKS AND COST OVERRUNS

By burying TBMs or extracting TBMs in Chinatown, high risks and highly probable cost overruns can be mitigated.

Tunneling has demonstrable hazards, especially with older buildings, unstable soil conditions, underground water and seismic dangers. Per federal requirements, SF taxpayers are on the hook for all cost overruns.

In a 1-7-10 letter to the SFMTA, the Federal Transit Administration (FTA) states:

"The Central Subway Project is a high risk project located in a densely populated urban center. It is the largest, most complex project ever undertaken by SFMTA."

PORTO, PORTUGAL: Three TBM tunnel collapses with one death in house collapse.

http://www.ita-aites.org/fileadmin/filemounts/general/pdf/ItaAssociation/ProductAndPublication/Training/Seminars/2006-lisbon/Cunha_abstract.pdf

CAIRO: Downtown TBM Tunnel Collapse:

<http://tunneltalk.com/Cairo-Metro-Sep09-tunnel-collapse.php>

COLOGNE: Historical Archives Building collapse with two dead:

<http://www.spiegel.de/international/germany/cologne-archive-catastrophe-were-subway-builders-cautious-enough-a-612129.html>

<http://www.theage.com.au/world/fears-for-missing-three-after-building-collapse-in-germany-20090304-8ogm.html>

SAO PAULO: Subway's deadly collapse with seven dead.

<http://enr.construction.com/news/transportation/archives/070129a.asp>

KOREA: Incheon Subway tunnel collapse with one dead.

<http://kojects.com/2012/02/20/subway-construction-suspected-in-incheon-street-collapse/>

GUANGZHOU: Video—Subway construction sinkhole swallows entire building complex.

<http://www.telegraph.co.uk/news/worldnews/asia/china/9833738/Sinkhole-swallows-whole-building-complex-in-China.html>

<http://hungeree.com/news/sinkhole-yawns-open-in-quangzhou/>

LOS ANGELES: Subway sinkhole collapses Hollywood Boulevard.

http://articles.latimes.com/1995-06-23/local/me-16226_1_hollywood-boulevard

http://articles.latimes.com/1995-10-20/news/mn-59073_1_tunnel-collapse

SEATTLE: Large sinkholes above TBM sewer tunnel.

http://seattletimes.com/html/localnews/2014623934_sinkhole29m.html

http://o.seattletimes.nwsourc.com/html/localnews/2008829998_sinkhole09m.html

BUDAPEST: TBM hits unknown water pipe, causing shaft collapse.

<http://www.skyscrapercity.com/showthread.php?t=446547&page=14>

BUDAPEST: Highway tunnel collapse and scandal.

<http://www.budapesttimes.hu/2010/04/07/motorway-complete-with-scandals/>

TAIWAN: Taipei Expressway tunneling had eleven collapses with eleven dead.

<http://tunnelbuilder.com/Archive/Projects/Taiwan.aspx><http://tunnelbuilder.com/Archive/Projects/Taiwan.aspx>

STUTTGART: Tunnel sinkhole and nine dead.

TORONTO: TBM tunnel collapse.

Regards, Howard Wong

Ph: (415)-982-5055 Cell: (415)-509-8006

www.SaveMuni.com

From: Board of Supervisors
To: Miller, Alisha
Subject: File 130019: Central Subway aka Billion Dollar Boondoggle

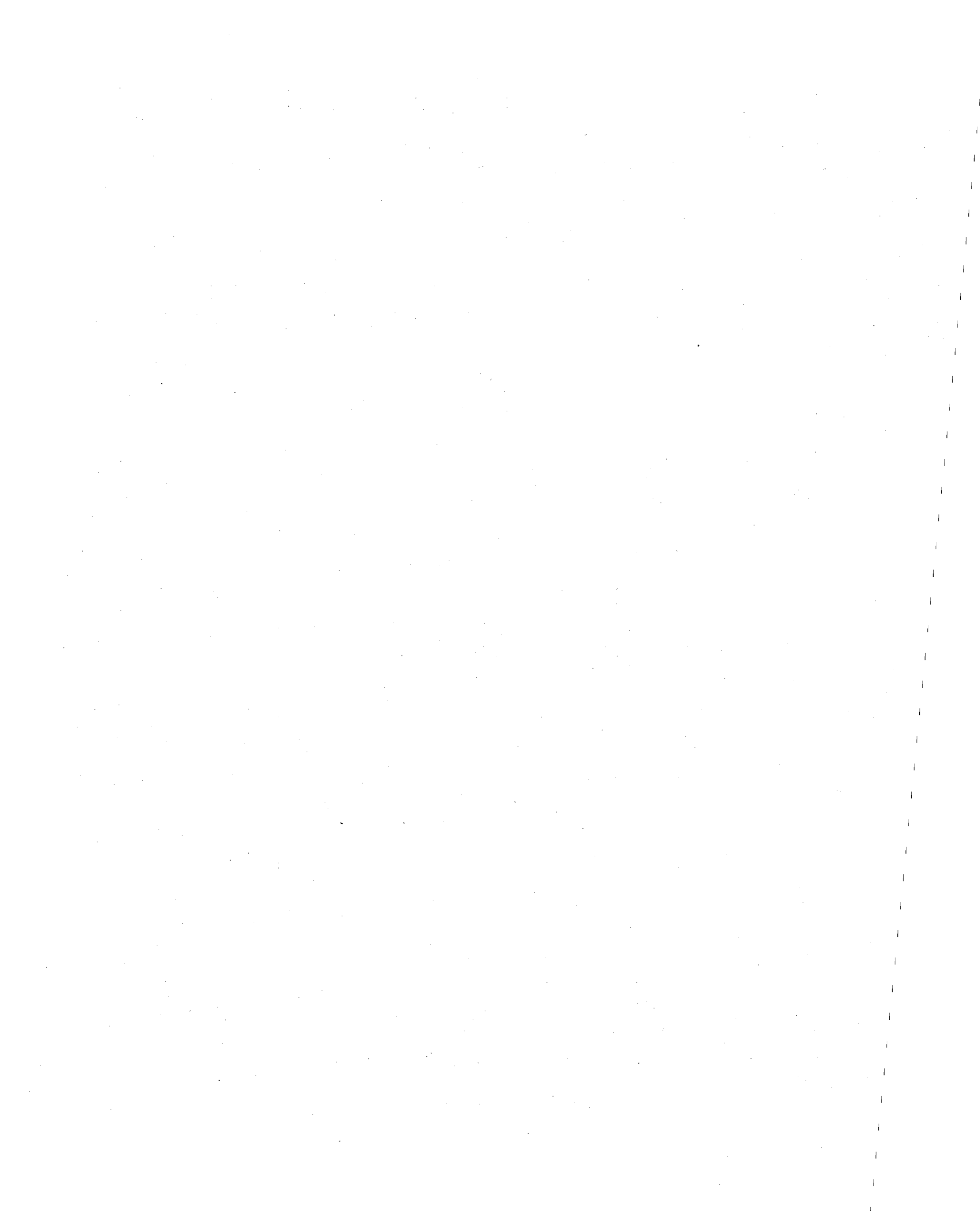
From: Lee Goodin [<mailto:lgoodin1@mindspring.com>]
Sent: Saturday, February 23, 2013 9:10 AM
To: Chu, Carmen; Mar, Eric (BOS); Avalos, John; Campos, David; Chiu, David; Board of Supervisors; Cohen, Malia; Farrell, Mark; Kim, Jane; Wiener, Scott; Breed, London
Subject: Central Subway aka Billion Dollar Boondoggle

Supervisors,

The North Beach Community will suffer greatly from the Pagoda Theater's unnecessary work. Tunnel Boring Machines (TBMs) can be buried underground or extracted in Chinatown. The Pagoda Theater requires a Supplemental EIR---due to unstable soil conditions, adjacent buildings and spot-zoning to benefit one property. **All** North Beach merchants and neighbors need to be considered. The Pagoda Theater TBMs extraction is totally unnecessary. It is fiscally irresponsible to spend up to \$80 million for the northern tunnel extension to North Beach---to get only \$4.4 million in TBM salvage value. Instead, per the original plans in 2005-08, the TBMs can be extracted or buried in Chinatown, saving up to \$80 million and eliminating all disruptions. TBMs extraction at the Pagoda will cost an unnecessary \$9.15 million in Muni operating funds. If built, the Central Subway Project will reduce surface transit throughout the northeast quadrant. In the Federal Transit Administration's summary, the Central Subway will take \$15.21 million in operating funds from Muni---annually. Per the Final SEIS/SEIR, the subway will cause 76,400 hours of reduced Annual Diesel/ Trolley Bus Hours. In the FY 2012 New Starts Criteria Report, the subway will cause 34,426 hours of reduced Annual Trolley Bus Hours. TBMs are frequently entombed in concrete and placed in out-of-the-way locations if future line extensions are contemplated. Other subway projects have avoided disruptions to neighborhoods.

While I would love to see the Pagoda Theater - a monument to blight - torn down, digging this hole will require 530 cubic yards of removed soil "**in addition to**" what already has been projected. How many trucks filled with dirt are going to be rumbling through North Beach for how many days/weeks? This was a fatally flawed project from the beginning - and it is just now becoming obvious what a cockamamie idea it really is. If it can't be stopped entirely then at least stop it in Chinatown for whom it is being built.

Lee Goodin
600 Chestnut Street #408
North Beach
415 346-4335
lgoodin1@mindspring.com



Board of Supervisors

To: BOS-Supervisors; Miller, Alisa
Subject: File 130019: Central Subway - Pagoda

From: ANN AUBIN [<mailto:ANN@COPYWASHER.COM>]

Sent: Thursday, February 21, 2013 12:48 PM

To: Board of Supervisors

Subject: Central Subway - Pagoda

Dear Board of Supervisors,

I am happy to hear that the Central Subway drill extraction has been reconsidered for the Pagoda Theater, and hope it will not affect Washington Square Park as previous feared.

I am concerned that after the extraction, the Pagoda will remain an active construction site. As a concerned citizen of North Beach, I would like to have your assurance that once the TBMs are removed, the site will be covered up completely.

My understanding is that continued use of the site after the extraction would mean up to six years of disruption to the businesses and character of the neighborhood, versus the two years we're already facing.

Thank you for your efforts to make the subway a welcome addition to the area, rather than a divisive issue. Moving the extraction away from Washington Square tells me you are hearing the voices of those of us who wish to protect our unique neighborhood.

Sincerely,

Ann Aubin

415) 218-7541

From: Board of Supervisors
To: BOS-Supervisors; Miller, Alisa
Subject: File 130119: Oppose subway equipment at Pagoda Theater

File No. 130019

From: Judy Robinson [mailto:judyrobo@pacbell.net]
Sent: Sunday, February 24, 2013 4:44 PM
To: Board of Supervisors
Cc: Chiu, David; president@thd.org
Subject: Oppose subway equipment at Pagoda Theater

*Judith Robinson
562 B Lombard Street
San Francisco, California 94133-7057*

23 February, 2013

TO: Land-Use Committee RE: Feb. 25, 2013 agenda Item 2, Special Order
and
San Francisco Board of Supervisors
Attn.: Ms. Angela Calvillo, Clerk via email: Board.of.Supervisors@sfgov.org
FROM: Judith Robinson
RE: Oppose subway and boring machines at Pagoda Theater, North Beach

I strongly oppose a subway extension to North Beach and the current proposal to locate tunnel boring machines at the Pagoda Theater site opposite Washington Square in North Beach.

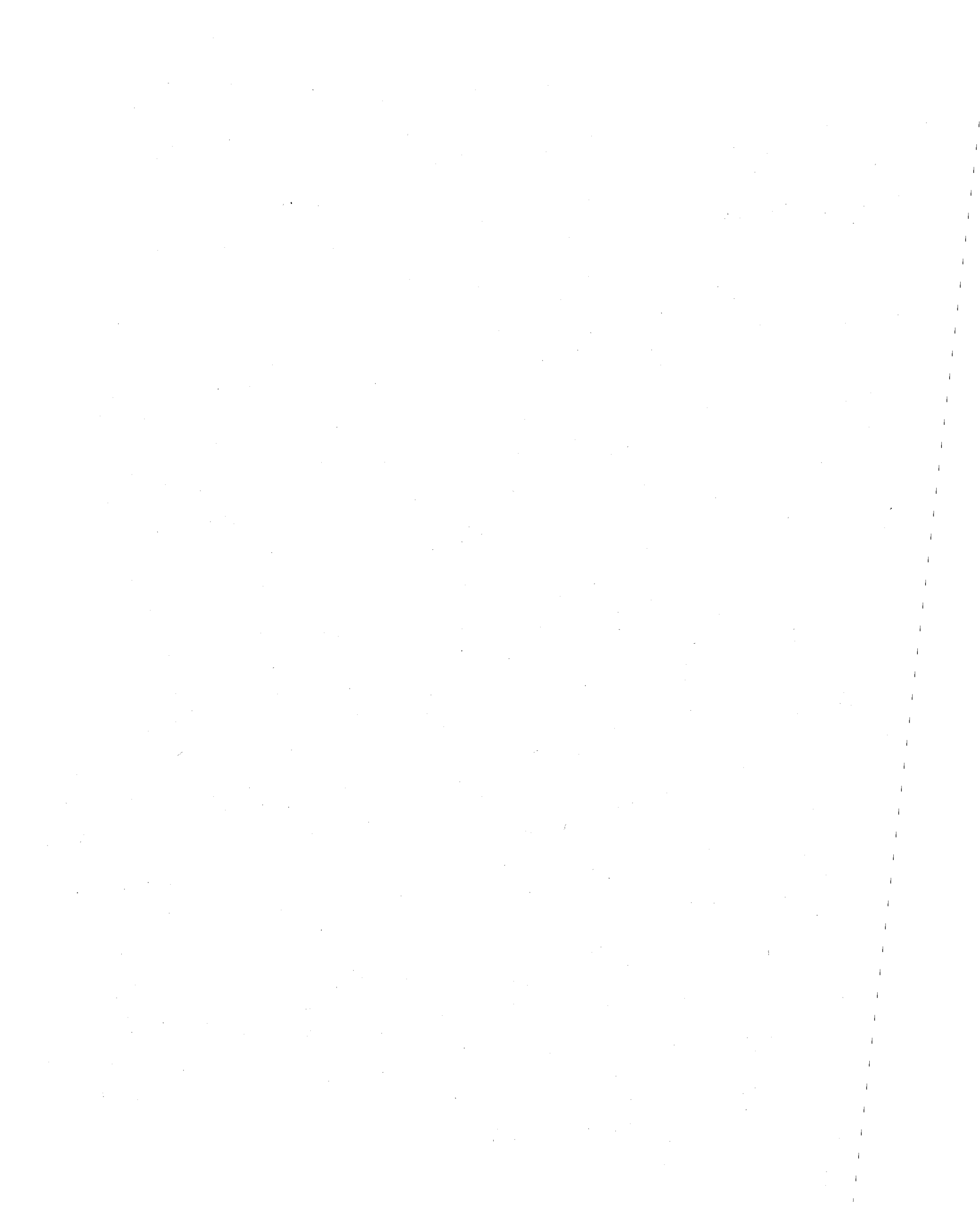
The subway itself is unnecessary, but the onerous prospect of construction and equipment at the Pagoda-Washington Square site is untenable, unnecessary and unjustified in every respect.

It will greatly harm businesses in the vicinity.

Please support extracting or burying such equipment in Chinatown.

Thank you for considering these views from a long-time resident and property owner in the neighborhood.

cc: Supervisor David Chiu, Board President david.chiu@sfgov.org
Telegraph Hill Dwellers president@thd.org



February 14, 2013

San Francisco County Board of Supervisors
1 DR Carlton B. Goodlett Place, City Hall Room 111
San Francisco, CA 0



GOLD RUSH
EXPEDITIONS

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2013 FEB 19 PM 3:11

Dear San Francisco County Board of Supervisors :

You may not recognize the company name on the letterhead, but we think it may become familiar quickly. GRE, Inc. will soon be in your county locating, assessing and surveying abandoned mines on BLM land.

GRE, Inc. is an acronym for Gold Rush Expeditions, Established in Salt Lake City, Utah in 2004. GRE specializes in surveying, assessment and documentation of abandoned mines across the western states. Our work includes underground mapping and staking claims on available properties where we feel there is still value. We survey approximately 400 abandoned mines per month. Of those 400, we usually claim about 20%.

The reason for this letter is two-fold; first we wanted to emphasize the economic value of our presence. Here are a few facts:

1. A customer that purchases a mine from GRE usually spends about \$3,700.00 on their initial trip to visit their mine. This is spent in fuel, food, supplies, tires, etc... and most is spent in the same county that their mine is in.
2. An average customer visits their mine site 2 times per year. Their average expenses, in county, are \$1975.00 per trip. Again, this is in fuel, food, and supplies.
3. About 8% of our customers engage in actively in mining their sites. These individuals and companies spend an average of \$47,000.00 per year in equipment, fuel, and permits. Their employees usually spend the majority of their pay in or around the county where they are stationed.
4. Small scale mining has little or no impact on the surrounding cities or their environment.
5. Small scale mining stimulates the growth of small towns and economies by bringing in new customers with new needs.

12



April 16, 2012
Page 2



6. GRE sells an average of 5 mining claims per week. If these claims are in your county you should reasonably expect the dollar amounts noted above to be injected directly into your county economy.

The second aspect of our business in your county is to make you aware of our presence. Occasionally ranchers and sometimes other miners don't understand what we are doing. We have had our employees harassed and on one occasion even threatened.

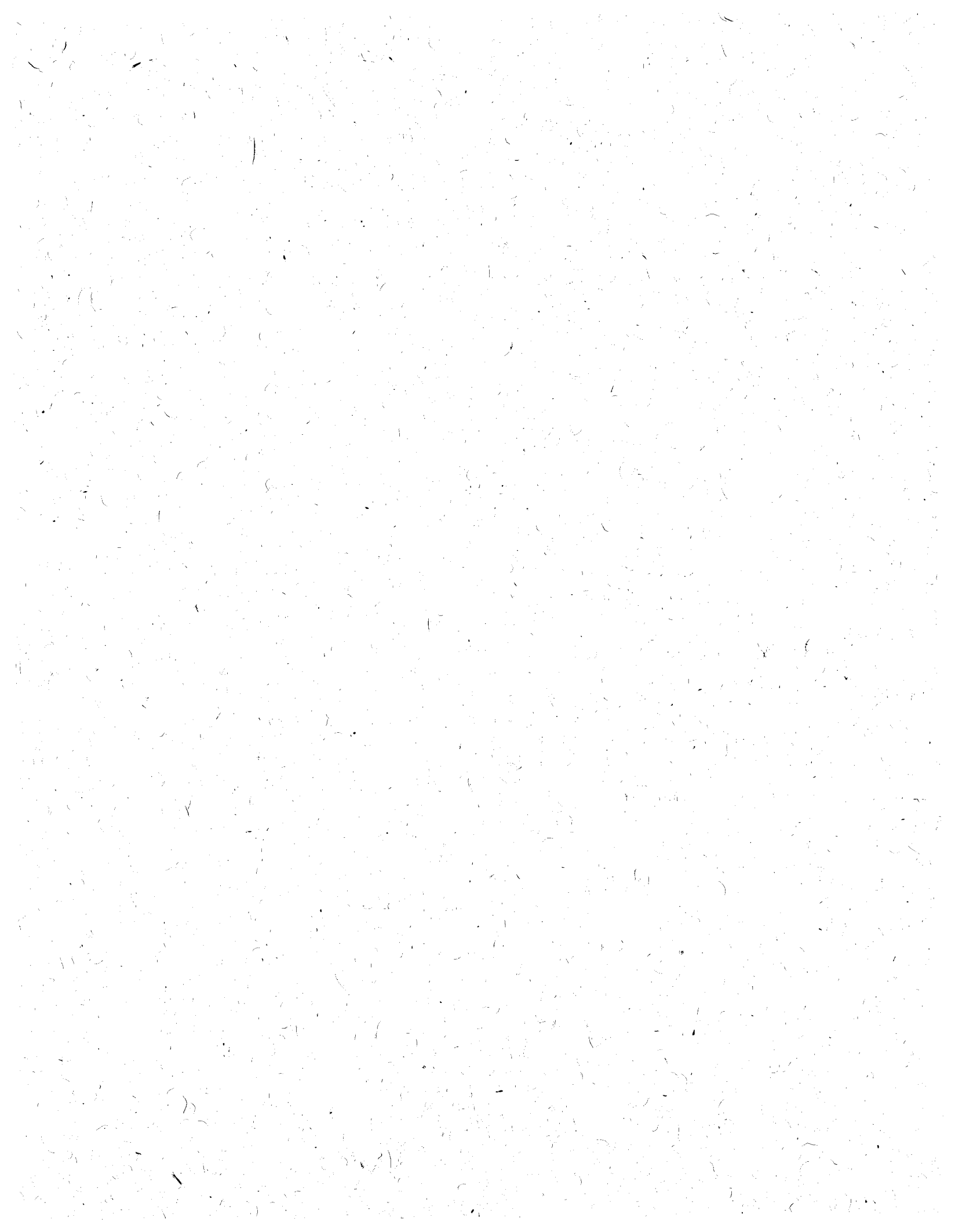
We do operate to the letter of the law. Our employees are noted by bright orange vests, large white trucks, and they all have official GRE ID badges as well as state ID as required by law. Our employees respect private property and only perform explorations on public, unclaimed land.

Should you have any questions, or require any further information, please do not hesitate to contact myself, or any of my staff. We are in the office from 8am to 5pm Monday thru Friday.

We look forward to working in your county and exploring and documenting your mining heritage.

Sincerely,

Corey T. Shuman
President, GRE, Inc.
cshuman@goldrushexpeditions.com
385-218-2138



Board of Supervisors

To: BOS-Supervisors
Subject: Tragedy at CHP's Treasure Island Property, Island Bay Homes

From: Community Housing Partnership [<mailto:info@chp-sf.org>]
Sent: Tuesday, February 19, 2013 5:28 PM
To: Board of Supervisors
Subject: Tragedy at CHP's Treasure Island Property, Island Bay Homes

If you're having trouble viewing this email, you may [see it online](#).

Share This:

Dear CHP Community,

On Saturday, February 16th, 2013, 22 Community Housing Partnership tenants were displaced by an early morning fire on Treasure Island. Six units were destroyed and all six families have been displaced. Unfortunately, a ten year old girl lost her life in this accident. Our thoughts and prayers go out to all involved in this tragedy.

As of right now, we know the fire was accidental and the apartments' fire alarms were going off at the time of the incident.

Community Housing Partnership's Property Management Department and Catholic Charities CYO, the services provider at the Treasure Island Property, have been diligently working to assist the community and those affected. We are coordinating with all necessary stakeholders to secure replacement housing for these families to ensure they do not become homeless again.

Community Housing Partnership has set up a dedicated fund, **The Treasure Island Family Fund**, for those who wish to donate to help support the displaced families. Donations will assist CHP in providing rental assistance, furniture, clothing replacements, and other necessary items to the families during this difficult time.

Please [CLICK HERE](#) to donate to CHP's Treasure Island Family Fund.

In remembrance,



Gail Gilman
Executive Director

Board of Supervisors

To: BOS-Supervisors
Subject: Serious Inquiry

From: Christopher Vanderhorst [<mailto:email@chris.tel>]

Sent: Saturday, February 16, 2013 3:09 AM

To: Licavoli, Madeleine

Subject: Serious Inquiry

Regarding the Yellow Pages ban in San Francisco.

Why doesn't the Board encourage the Private purchase of a major online brand and simply put the printed directories out of business through non-use ?

Yellow Search ® for example is a major competitive brand that could be purchased and used to simply put printed directory operators out of business locally, nationally, and globally.

Just a thought.

Thank you for your time and consideration.

Christopher R. Vanderhorst
chris.tel

Board of Supervisors

From: james miller [jmwebdesigns@hotmail.com]
Sent: Tuesday, February 19, 2013 1:25 PM
To: Lee, Mayor; Rahaim, John; Board of Supervisors; Wiener, Scott; Breed, London; Kim, Jane; Farrell, Mark; Yee, Norman (BOS); Cohen, Malia; Chu, Carmen; Chiu, David; Campos, David; Avalos, John
Cc: leah@sfbike.org; Neal@sfbike.org; letters@sfchronicle.com; letters@sfexaminer.com; Suhr, Greg; gregory.suhr@sfgov.org; SFPD, Commission; sfpd.online@sfgov.org
Subject: Bikes on Market St.

Dear BoS and Others...

It is difficult to believe that the issue of bike lanes on Market St. has still not been resolved or implemented. It has been about 20 years or so when the proposal to close it to autos emerged under Willie Brown who claimed to wholeheartedly support it, but then did nothing. Fast forward about 10 years to Newsom who promised its closure to accommodate MUNI and bikes (I still have an email from him in attesting to this.) Again, no action. It is now 2013 and the street remains constantly congested, monopolized and abused by autos, while we cyclists and MUNI must continue to be treated as 2nd class commuters. And now the BoS is considering using Mission St. instead of Market for biking...and are considering further inaction until 2017? Are you serious?

Here are just a few points to keep in mind before you make that inane decision:

---Do autos really need Market St? The SF Center and reputable businesses don't rely on Market for patronage. Do morons need to drive to all the Walgreens and CVS's further down? Do they need driving access to the sleezy, rip-off businesses,(i.e, cash checking, porno shops) along Mid-Market? How about the scumbag/drug-ridden oasis on the corner of 6th and Jones? What is the rationale for retaining autos on Market?

---You've heard it before, but let's drive it home again: SF is chartered as a Transit-FIRST--not second--City and that applies mainly to Market.

---Not sure of the impact? Why, let's put another million dollar study on it as you've done so often in the past. How much time and money has the City wasted so far in "researching" this no-brainer issue?

---The City's refusal to fight back when that meathead Rob Anderson supposedly delayed the creation of a bike network really sucks. Let's just keep finding excuses to postpone it.

---The number of people using bikes to commute to work, school and shopping has increased DRAMATICALLY in the past few years, mostly by younger students and workers the City has attracted. They realize that SF is not a city for driving, that the burdens of congestion, parking, gas prices and esthetics make it implausible, unsustainable and asinine to drive here, unlike current motorists who need a kick-in-the-ass, or maybe some new laws, to change their inconsiderate behavior.

---Last year the City had a sign on 6th & Market to avert northbound traffic off Market and turn right. What was this for? What did it accomplish? It was left unmonitored and ultimately went nowhere, as do so many City endeavors.

---The City loves to label itself, its supervisors and its districts as progressive. What the hell does that mean? Cities such as Berlin, Amsterdam, Chicago, Seattle, Portland, just to name a few, are miles ahead of us on QoL issues, especially biking.

---So many streets should have bike lanes yet are really unsafe for cyclists because speed limits are too high, ignored and unmonitored. Geary, Oak, Fell, Franklin, Gough, Van Ness, Masonic, 19th Ave are just a few. The SFPD couldn't care less about enforcing speed limits.

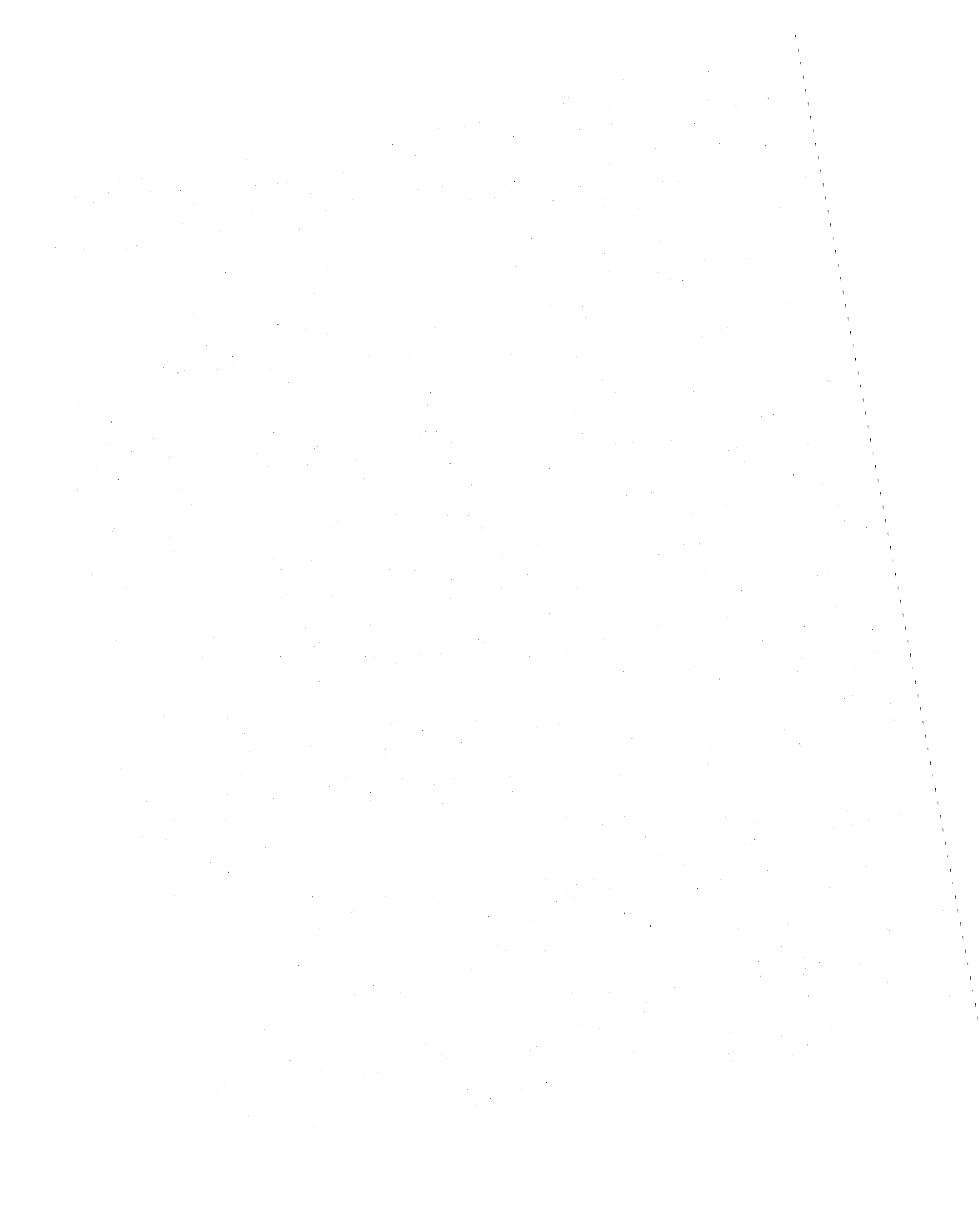
---GGPark cyclists must be content with the one overcrowded bike path along one side of the panhandle, which is used by bikes, runners, pedestrians, strollers, dogwalkers, etc. and can be very dangerous on crowded summer days and dark early mornings. It is overused and poorly lit. The City needs to do much more than stripe a few streets on Fell for bikes...we need FULL BIKE LANES on Fell all the way to GGPark. Can we not get some auto relief even at our parks?

The proposal of using Market for MUNI-and-bikes-only is really a no-brainer. Yet I'm convinced that our BoS and recent mayors must all be diehard motorists themselves having done little more than waste money, time and lip-service on this issue. Maybe it is they who are the real no-brainers here.

Do you intend to continue to support the ugly, unhealthy stream of motorists one sees in the suburbs and on the freeways onto the streets of SF or do you want to encourage more cyclists and transit riders? If it's the latter, please tell me how much longer we have to wait?

James Miller

(lifelong cyclist,runner,pedestrian & concerned citizen)



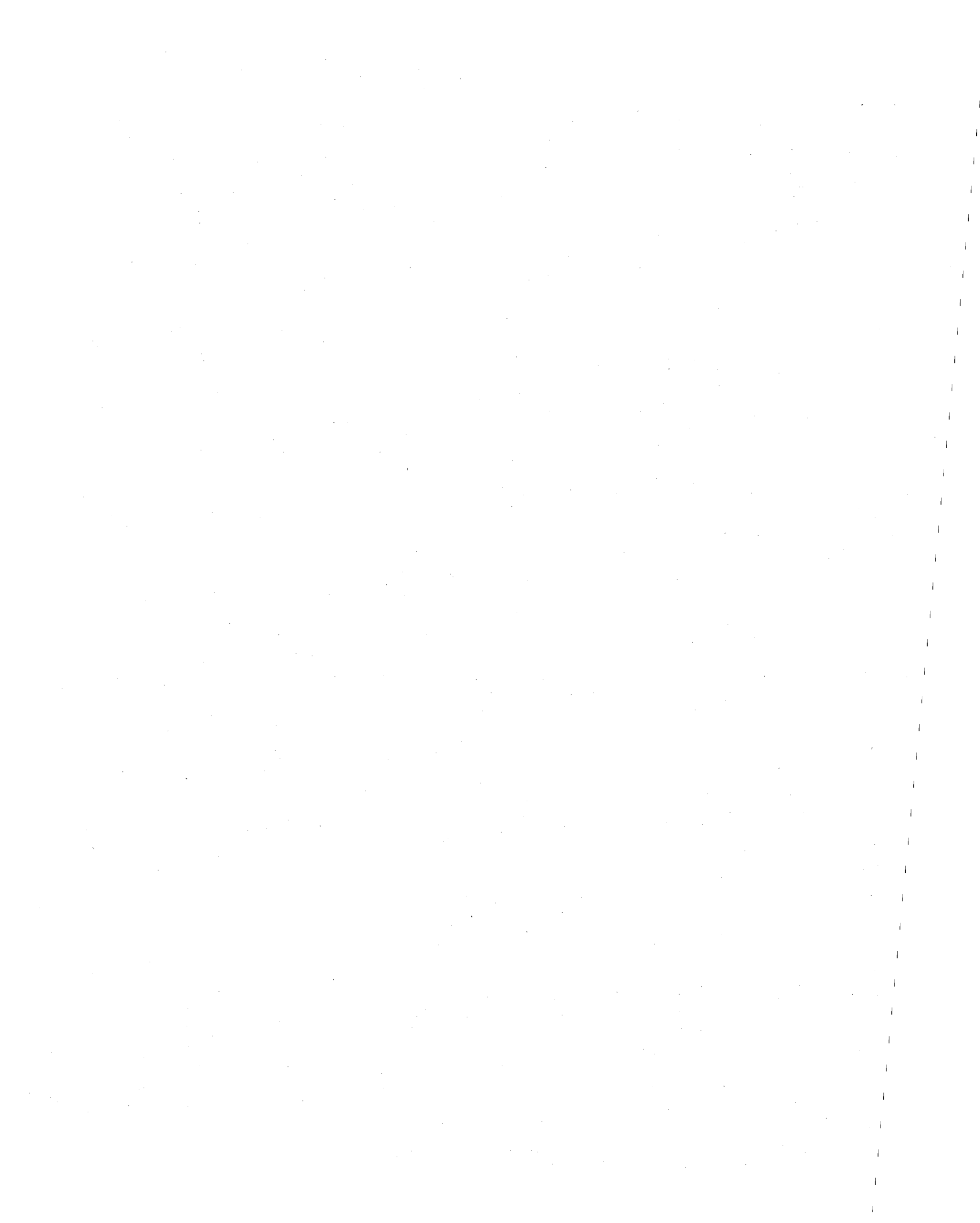
Board of Supervisors

To: BOS-Supervisors
Subject: Parking meters at AT&T Park

From: john frankel [<mailto:deadmanshand.frankel@gmail.com>]
Sent: Thursday, February 21, 2013 8:58 AM
To: Board of Supervisors
Subject: Parking meters at AT&T Park

On the news last night they had a story about increasing the meters at every game around AT&T Park , what is wrong with this. This is only greed from the city and taking advantage of the public and fans, I guess you not satisfied of what you are collecting from the meters right now. This is totaling wrong and you know this. How do expect people to come to San Francisco and have a good time, when you do things like this. Very annoying to see this happen, you should encourage rather than discourage the public. Set a example rather than be the example. I am discussed by your future actions and I am not alone in my feelings.

John Frankel



BOS-11, page

February 22, 2013

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2013 FEB 25 PM 3:14

Dear San Francisco Board of Supervisors,

It is with great sadness that I inform you of the passing of Keiko Fukuda on February 9, 2013 at the age of 99. She was a pioneer for women in the martial art of judo around the world.

Shihan Fukuda started studying the art of judo in Japan in 1935 and was the only living student of Dr. Jigoro Kano, the founder of judo. Fukuda Sensei performed a judo demonstration in the 1964 Olympic Games in Tokyo. Fukuda Sensei traveled the world teaching judo and moved to the United States in the 1966 and became a U.S. citizen in 1972. In 1974, the first women's judo camp in the United States was held with Fukuda Sensei as one of the main instructors and continues on annually as Keiko Fukuda Joshi Judo Camp. She also founded the Keiko Fukuda International Kata Championship in 1989. In 1990, the Japanese government awarded Fukuda Sensei the Order of the Sacred Treasure in recognition of her outstanding dedication to the advancement of Kodokan Joshi Judo. San Francisco Mayor Willie Brown officially declared August 19, 2001, "Keiko Fukuda Day" in honor of her 9th degree black belt promotion. In 2006, Mayor Gavin Newsom proclaimed "Keiko Fukuda Day" in the city of San Francisco as well. In October of 2011, USA Judo, the IOC governing body of judo in the United States, promoted her to 10th degree black belt, the highest rank possible. This was a historic event as no woman had ever achieved this before. Keiko Fukuda has founded two organizations to carry on her legacy. Keiko Fukuda Joshi Judo Inc. is an organization dedicated to promote women in judo through activities such as an all women's judo camp. Keiko Fukuda and Shelley Fernandez Girls and Womens Judo Foundation Inc. is an organization which provides scholarships for females regardless of rank to attend competitions and judo camps, train women to be judo Senseis, do outreach and pay dojo dues for economically disadvantaged females and host an International meeting every three years for women judokas (judo students). Her motto was "Be Strong, Be Gentle, Be Beautiful". Words that she lived by every day of her life.

Visitation will be held on Saturday, February 23, 2013, 11:00am – 8:00pm at Halsted N. Gray-Carew & English Inc, 1123 Sutter Street, San Francisco, CA 64109.

A public memorial service will be held on Friday, March 22, 2013, 11:00am at Herbst Theater, 401 Van Ness Avenue, San Francisco, CA 94102.

In lieu of flowers, Keiko Fukuda Joshi Judo Inc. and/or Keiko Fukuda & Shelley Fernandez Girl and Women's Judo Foundation, 475 Hoffman Avenue, San Francisco, CA 94114, are accepting donations. Both of these organizations are dedicated to promoting judo for female judo students.

Thank you very much for taking time to help the judo community remember the personal achievement and service of Fukuda Sensei.

Sincerely,
Dr. Shelley Fernandez, PhD
President, Keiko Fukuda and Shelley Fernandez Girls and Women Judo Foundation Inc.
Brenda Strech
Secretary, Keiko Fukuda Joshi Judo Inc.

SafetyBeltSafe U.S.A. *page***BOARD OF DIRECTORS**

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John Stubbs, CPSTI

Program Consultant

1124 West Carson Street, LA BioMed, Building B-1 West, Torrance, CA 90502

Mailing address: P. O. Box 553, Altadena, CA 91003 www.carseat.org

(310) 222-6860 (800) 745-SAFE Spanish: (800) 747-SANO FAX (310) 222-6862

February 22, 2013

To: Board of Supervisors

From: Stephanie M. Tombrello, LCSW, CPSTI
Executive Director, SafetyBeltSafe U.S.A.

Re: Safety Seat Checkup Week, March 31 – April 6, 2013

Motor vehicle crashes remain the number 1 cause of death and permanent injury to children in California. You can help save children from suffering preventable injuries by helping to make Safety Seat Checkup Week, March 31 – April 6, a special event in your county.

SafetyBeltSafe U.S.A. is available to you as a resource for posters, pamphlets, speakers, program ideas, and information about California buckle-up laws. We would appreciate it if the Board of Supervisors would:

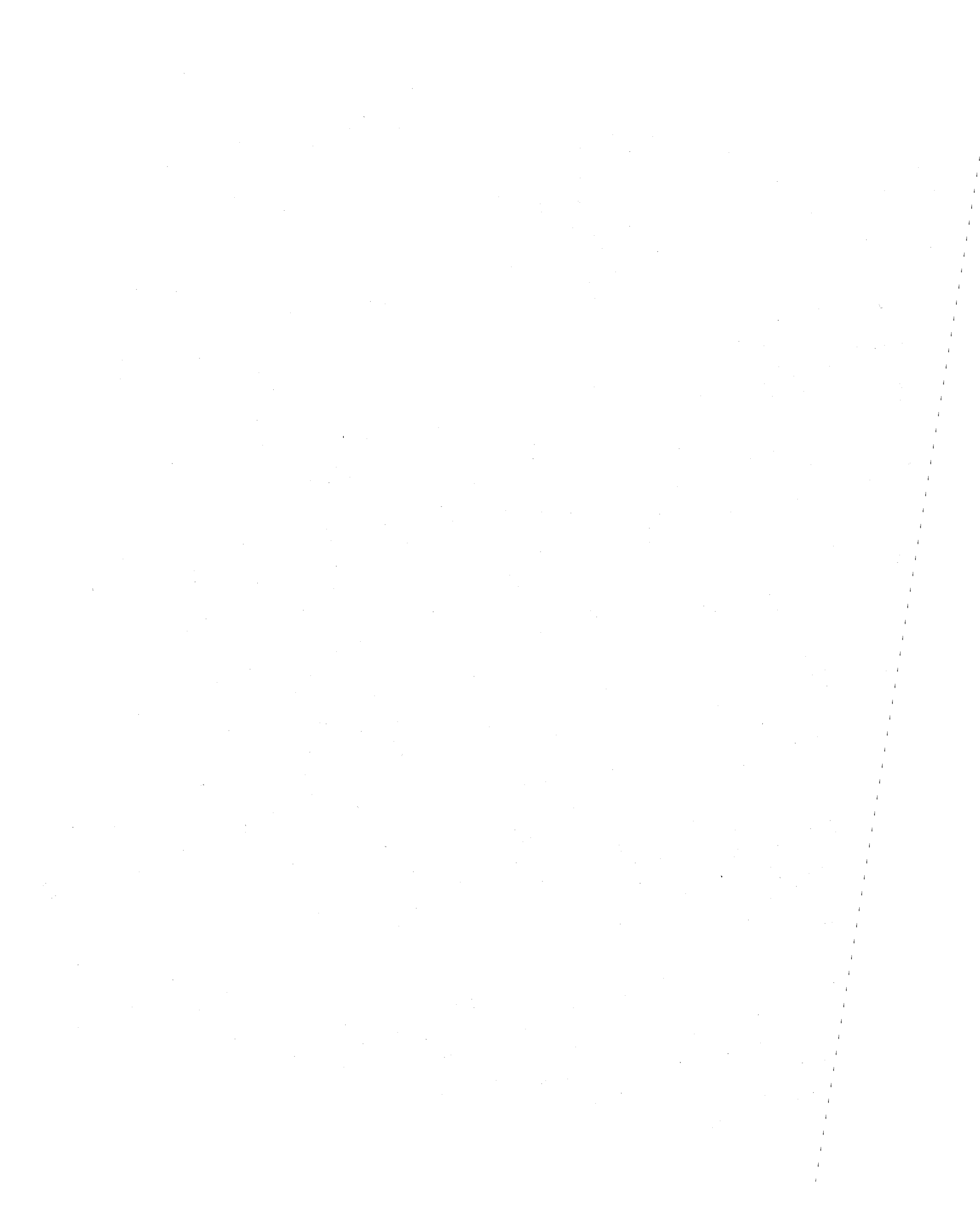
- Issue a proclamation in recognition of Safety Seat Checkup Week (sample enclosed). Your support for this effort, shared with in your county media, may encourage them to publicize this subject more widely. Send your proclamation to us in advance for display at Safety Seat Checkup Day on April 6.
- Encourage law enforcement agencies to increase the focus on violations of child safety seat and safety belt laws during Special Enforcement Week, March 24 – 30, sponsored by the Peace Officers Association of Los Angeles County, to protect children's welfare.
- Distribute posters and pamphlets, available from SafetyBeltSafe U.S.A., through county agencies and employees. Put up our permanent "Buckle-Up" parking lot signs.

In Los Angeles County, for example, SafetyBeltSafe U.S.A. is holding a major event as the culmination of the Week:

Safety Seat Checkup Day on Saturday, April 6, from 10:00 a.m. to 2:00 p.m. at the Petersen Automotive Museum parking lot in Los Angeles

On April 6, families will receive a detailed inspection of the installation and use of their safety seats by trained volunteers. Parents will be told if the safety seats have been recalled or need replacement parts and shown how to use them correctly. Error rates at previous events have been found to be more than 90%.

Your support for this effort, reported to newspapers in your county, may encourage them to publicize this subject more widely. Please share your ideas for Safety Seat Checkup Week with us.





SafetyBeltSafe U.S.A.

1124 West Carson Street, LA BioMed, Building B-1 West, Torrance, CA 90502
Post Office Box 553, Altadena, CA 91003
310/222-6860 800/745-SAFE 800/747-SANO FAX 310/222-6862 www.carseat.org

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Technical Consultant
Kate Quirk, PhD, CPSTI
Project Coordinator

PROCLAMATION

WHEREAS, the number one preventable cause of death and injury of children and young adults is the automobile collision; and

WHEREAS, more than 90 child passengers under fifteen are killed and more than 10,000 injured in automobile collisions in California in each year; and

WHEREAS, 71% of small children killed in crashes would be alive today if they had been properly restrained in child safety seats; and

WHEREAS, 45% of injuries to child occupants ages four to eight could be prevented with the use of booster seats; and

WHEREAS, more than 90% of child safety seats are used incorrectly; and

WHEREAS, California's child safety seat usage rate reached a record high of 95% in 2010, up from 90.9% in 2009; and

WHEREAS, the State of California requires that all occupants be properly restrained in safety seats or safety belts with children in the back seat until at least age eight; and

WHEREAS, the State of California requires all occupants of motor vehicles to be buckled up correctly on every ride;

WHEREAS, crash-tested safety seats are moderately priced and widely available for purchase at retail stores and at low cost from safety seat distribution programs throughout California; and

WHEREAS, SafetyBeltSafe U.S.A. has been dedicated for more than 30 years to protecting children from injury or death while being transported in a motor vehicle:

NOW BE IT PROCLAIMED BY THE COUNTY OF _____
THAT MARCH 31 – APRIL 6, 2013, BE DECLARED SAFETY
SEAT CHECKUP WEEK.

SafetyBeltSafe U.S.A.



Safety Seat Checkup Day

Saturday, April 6 • 10:00 a.m. to 2:00 p.m.*

*For a checkup appointment, call 310/222-6860. If you do not have an appointment, there may be a wait of more than one hour or you may be turned away.

11:30 a.m. Welcome Ceremony and Recognition of Notable Guests

Petersen Automotive Museum

6060 Wilshire Blvd., Los Angeles 90036 (Wilshire at Fairfax parking lot)



Buckling up is a family affair.

Safety Seat Checkup Week March 31 to April 6, 2013

Sponsors: California Office of Traffic Safety, Pomona Police Department, Toyota Motor Sales, U.S.A.

Major Supporter: Peace Officers Association of Los Angeles County

FREE SAFETY SEAT CHECKUP

More than 90% of the car seats we check have one or more errors.

Meet Bucklebear and his friends.

Petersen Museum discount coupons available for families participating in the checkup.

Help save children's lives with your tax-deductible support.

SafetyBeltSafe U.S.A. Box 553 Altadena, CA 91003 310/222-6860 www.carseat.org

SafetyBeltSafe U.S.A. is the national, non-profit, member-supported organization for child passenger safety.

Funding for this program was provided by a grant from the California Office of Traffic Safety, through the National Highway Traffic Safety Administration

SafetyBeltSafe U.S.A.



Día de Inspección de Sillas de Seguridad

Sábado, 6 de Abril • 10:00 a.m. a 2:00 p.m.*

*Llame a 310/222-6862 un día anterior para una cita para la inspección. Si usted no tiene cita, el tiempo de espera puede ser más de una hora o puede que se le niegue este servicio.

11:30 a.m. Ceremonia de Bienvenida y Reconocimiento de Invitados de Honor

Petersen Automotive Museum

6060 Wilshire Blvd., Los Angeles 90036

(Estacionamiento en la esquina de Wilshire y Fairfax)



El abrocharse el cinturón es algo que concierne a toda la familia.

Semana de Inspección de Sillas de Seguridad

Del 31 de Marzo al 6 de Abril, 2013

Patrocinadores: California Office of Traffic Safety, Pomona Police Department, Toyota Motor Sales, U.S.A.

Partidario Principal: Peace Officers Association of Los Angeles County

INSPECCIÓN GRATIS DE SILLAS DE SEGURIDAD

Más del 90% de las sillas de seguridad que inspeccionamos tienen uno o más errores.

Conozca al oso "Bucklebear" y a sus amiguitos.

Tenemos cupones de descuento disponibles para el Museo Petersen para las familias que participen en la inspección.

Ayude a salvar la vida de niños por medio de su donación, la cual puede ser deducible de sus impuestos.

SafetyBeltSafe U.S.A. Box 553 Altadena, CA 91003 310/222-6862 www.carseat.org

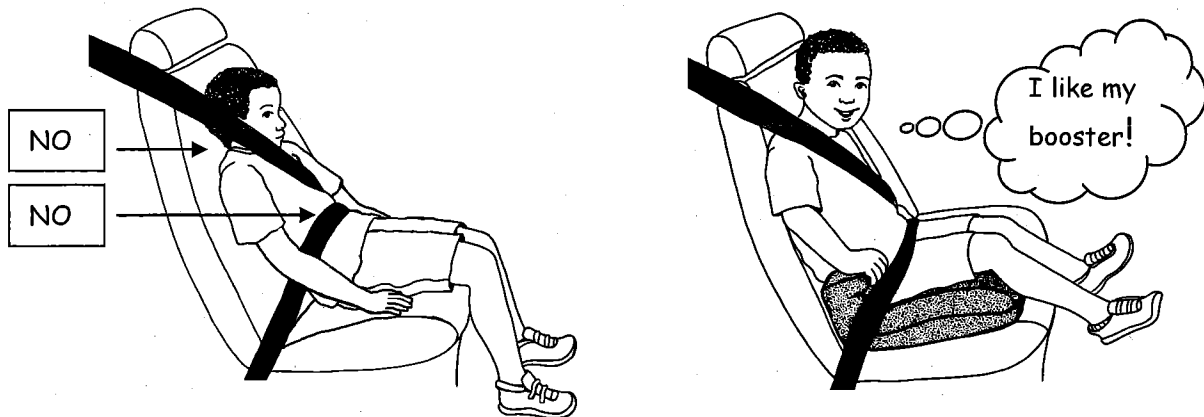
SafetyBeltSafe U.S.A. es una organización nacional, no lucrativa, dedicada a la seguridad de los pasajeros menores, sostenida por sus miembros.

Los fondos para éste programa fueron proveídos por un donativo de California Office of Traffic Safety y National Highway Traffic Safety Administration.

NEW LAW PROTECTS CALIFORNIA KIDS!

Effective January 1, 2012

- **Children under age 8** must be properly buckled into a car seat or booster in the back seat.
- **Children age 8 or older** may use the vehicle seat belt if it fits properly with the lap belt low on the hips, touching the upper thighs, and the shoulder belt crossing the center of the chest. If children are not tall enough for proper belt fit, they must ride in a booster or car seat.
- **Everyone in the car** must be properly buckled up. For each child under 16 who is not properly secured, parents (if in the car) or drivers can be fined more than \$475 and get a point on their driving records.



Most kids need to ride in a booster seat until age 10 to 12.

If your child isn't using a booster, try the simple test below the next time you ride together in the car. You may find that your child is not yet ready to use a safety belt without a booster.

The 5-Step Test

1. Does the child sit all the way back against the auto seat?
2. Do the child's knees bend comfortably at the edge of the auto seat?
3. Does the belt cross the shoulder between the neck and arm?
4. Is the lap belt as low as possible, touching the thighs?
5. Can the child stay seated like this for the whole trip?

If you answered "no" to any of these questions, your child needs a booster seat to make both the shoulder belt and the lap belt fit right for the best crash protection. Your child will be more comfortable, too.

For best protection, all children should ride in the back seat. It's twice as safe as the front!

For a list of programs with low-cost car seats, call your local health department at _____
For other information: SafetyBeltSafe U.S.A. www.carseat.org 800-745-SAFE (English) 800-747-SANO (Spanish)
Funding for this program was provided by a grant from the California Office of Traffic Safety through the National Highway Traffic Safety Administration.

California Buckle-Up Laws for Parents

Car crashes are the #1 preventable cause of death of children and young adults, as well as a major cause of permanent brain damage, epilepsy, and spinal cord injuries. A sudden stop at 30 miles per hour could cause the same crushing force on your child's brain and body as a fall from a three-story building. Fortunately, by buckling up children, we can prevent most of these deaths and serious injuries.

(V.C. 27360) All children under age 8 must be properly buckled into a safety seat or booster in the back seat.

Exceptions: A child who weighs more than 40 pounds and is riding in a car without lap and shoulder belts in the back seat may wear just a lap belt. A child under age 8 who is at least 4'9" may wear a safety belt if it fits properly. Children under age 8 may ride in the front if there is no forward-facing rear seat in the vehicle, the child restraint cannot be properly installed in rear seat, all rear seats are occupied by other children age 7 or under, or for medical reasons. A child in a rear-facing safety seat may not ride in front if there is an active passenger air bag.

(V.C. 27360.5) Children age 8 or over may use the vehicle safety belt if it fits properly with the lap belt low on the hips, touching the upper thighs, and the shoulder belt crossing the center of the chest. If children are not tall enough for proper belt fit, they must ride in a booster or safety seat.

Consequences for failing to properly buckle up any child under 16

- **The parent** gets the ticket if a child under 16 is not properly buckled up.
- **The driver** gets the ticket if the parent is not in the car.
- The cost of a ticket could be more than \$475* per child; the fine for a second offense could be more than \$1000* per child. One point is added to the driving record, which could raise insurance rates. Part of the fine money goes to a special fund to help pay for local safety seat education and distribution programs.

Related Information

- Older babies and toddlers should ride in a rear-facing convertible seat until they are at least two years old. Check manufacturer's instructions for the maximum weight (30-45 lbs.).
- Children should ride in a safety seat with a harness as long as possible (40-90 lbs., depending on the model).
- Children who have outgrown their safety seats need a booster for proper belt fit (usually until age 10-12). To find out if a child is tall enough to wear just a safety belt, try the 5-Step Test, available from SafetyBeltSafe U.S.A.
- Auto insurers are required to replace safety seats that were in use or damaged during a crash.

(V.C. 27315) Drivers and passengers 16 or older must be properly buckled up in vehicle safety belts.

The driver may be ticketed for not wearing a belt and for each unbuckled passenger. Fine is more than \$140* per person. Passengers also may be ticketed for not being properly buckled up.

(V.C. 23116) Pickup truck passengers also must be properly buckled up.

The driver may be ticketed for letting passengers ride in the back of a pickup truck.

Passengers also may be ticketed for not being properly buckled up.

The cost of a ticket could be more than \$200* for each unbuckled adult. No exemption for camper shells.

Other Laws to Protect Children

- **Children left in vehicle (V.C. 15620):** A child 6 years old or less may not be left alone in a vehicle if the health or safety of the child is at risk, the engine is running, or the keys are in the ignition. The child must be supervised by someone at least age 12. The cost of a ticket could be more than \$475.*
- **Smoking in a vehicle [Health and Safety Code 118948(a)]** is prohibited if a child under 18 is present. The cost of a ticket could be more than \$475.*
- **Helmets (V.C. 21212, 21204, 27803):** Children under age 18 who are skating or riding on a bicycle, scooter, or skateboard must wear a properly fitted and fastened helmet. All drivers and passengers on a motorcycle must wear a helmet that meets federal standards, fits correctly, and has the proper label.

* Fine amounts shown include penalty assessments

SafetyBeltSafe U.S.A. P.O. Box 553, Altadena, CA 91003 www.carseat.org (800) 745-SAFE

This document was developed by SafetyBeltSafe U.S.A. and may be reproduced in its entirety.
Important: Call to check if there is a more recent version before reproducing this document.

File 130151
BOS-11, cpage

Dear San Francisco Board of Supervisors,

I urge you to support Supervisor Chiu's "Resolution expressing opposition to the indefinite detention provisions of the National Defense Authorization Act (NDAA)," introduced on February 12, 2013. Passage of this resolution will ensure that San Francisco upholds our right to due process under the U.S. Constitution and make clear San Francisco's opposition to indefinite military detention. This threat of indefinite military detention ignores the lessons of history, as shown with the mass incarceration of 120,000 U.S. citizens and immigrants of Japanese ancestry as well as the rendition and internment in the U.S. of over 6,000 persons of Japanese, German, and Italian ancestry from Latin American countries during World War II.

The NDAA, signed into law by President Obama in 2012 and again in 2013, contains provisions that could allow for the violation of the Fifth and Sixth Amendments to the U.S. Constitution. Now, under color of law, the President could authorize the military to seize **any person**, whether U.S. citizen or foreign national, who is suspected of a "belligerent act" (undefined in the law), without findings of guilt or responsibility, from U.S. soil. That person could then be placed in military custody for **indefinite detention without charge or without trial in a civilian court.**

This resolution is particularly important because it helps San Franciscans and all who work in, visit, and love this City make our concerns more audible at the federal level. The debate in Congress around indefinite military detention did not reflect the commitment of Americans to due process and civil liberties. The resolution addresses this. It calls upon the Mayor to send copies of the resolution to our representatives in the Federal Government. This strengthens the voice of all San Franciscans who do not quietly accept the unconstitutional provisions of the NDAA. Upholding our Constitution is not a partisan issue, and concerns about the NDAA come from across the political spectrum. San Francisco will not be alone; in fact we will be the 18th and largest locality to pass such a resolution.

This resolution also sets a policy that San Francisco will not be complicit in any potential violation of the civil rights granted under the Constitution and Bill of Rights. It is clear that San Francisco is a leader in preserving civil rights. This resolution will make that official.

Please vote "YES" on Supervisor Chiu's resolution.

Sincerely, *Elizabeth O'Connor*
Name (sign & print: *Elizabeth O'Connor*)
Address: *9 Duarbe Ct., Novato, Ca. 94949*
Phone:
Email: ~~XXXXXXXXXX@XXXXXX.COM~~

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB 25 PM 3:12



File 130151
BOS-11, page

Dear San Francisco Board of Supervisors,

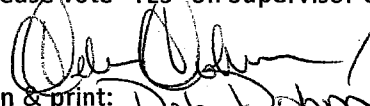
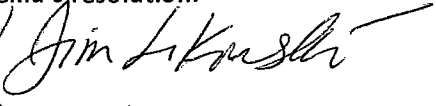
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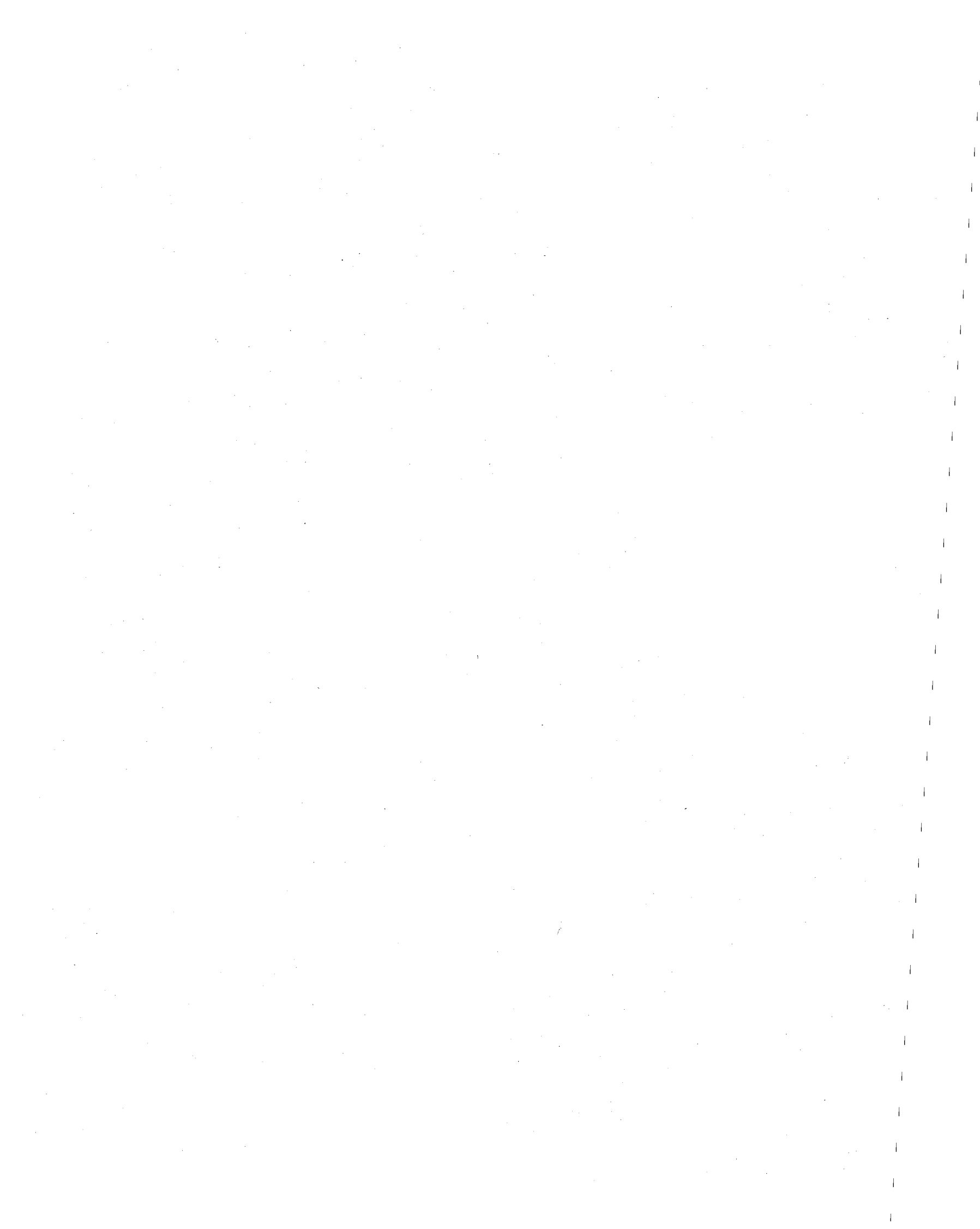
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Please vote "YES" on Supervisor Chiu's resolution.

Sincerely,  / 
Name (sign & print: Deb Dohm
Address: 9 Duarte Ct., Norato, Calif. 94949
Phone: (415) 710-0708
Email: djderada@gmail.com

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2013 FEB 25 PM 3:13



From: Board of Supervisors
To: BOS-Supervisors; Young, Victor
Subject: File 130123: Support for SFERS Carbon Divestment Resolution

From: Zack Wettstein [<mailto:zwettstein@gmail.com>]
Sent: Saturday, February 23, 2013 12:32 PM
To: Board of Supervisors
Subject: Support for SFERS Carbon Divestment Resolution

Dear Supervisors of San Francisco,

I'm writing to support Supervisor Avalos' proposed resolutions for the San Francisco Employees' Retirement System to divest more than \$1.9 billion away from fossil fuel and firearm companies over the next five years.

Climate change is one of the most important challenges we currently face as a city and as a society. In recent months, we have witnessed the significant damage and financial impacts of climate change on our fellow East Coast communities. As fossil fuel corporations now have 2,795 gigatons of carbon dioxide in their reserves - five times the amount considered safe to avoid catastrophic climate change - we know the problem will only get worse if we don't take action.

As a city and community, we have committed to addressing climate change, promoting renewable energy sources, and advancing efforts to control access to firearms - it's time for our investment decisions to reflect these values.

There is a clear economic argument for divestment. While fossil fuel companies do generate a return on investment, San Francisco and our neighboring communities will suffer greater economic and financial losses from the impact of unchecked climate change. Our infrastructure, our businesses, and our communities would face greater risk of damages and losses due to turbulent weather that climate change causes. As a waterfront city, several of our neighborhoods and industrial districts are at risk if climate change causes a significant rise in sea level.

Seattle was the first city to join the growing Go Fossil Free divestment campaign, an effort that has already spread to over 192 campuses across the country. **It's time for San Francisco to join the movement and invest the SFERS pension funds in companies that can provide a good return on our investment without putting our city and our future at risk.**

Sincerely,

Zachary Wettstein
Concerned San Francisco Resident - Lower Haight/Hayes Valley

From: Roland Salvato [rolandsalvato@hotmail.com]
Sent: Saturday, February 23, 2013 1:51 PM
To: Campos, David; Chiu, David; Mar, Eric (BOS); Chu, Carmen; Breed, London; Cohen, Malia; Farrell, Mark; Kim, Jane; Avalos, John; Yee, Norman (BOS); Wiener, Scott; Board of Supervisors
Cc: Planning Commissioner Kathrin MOORE; Planning Commissioner (Hisashi) Sugaya; Planning Commissioner (Cindy) Wu; Planning Commissioner (Gwyneth) Borden; Planning Commissioner (Michael) Antonini; Planning Commissioner Rodney FONG; Rahaim, John; Rodney (Planning Commission) Fong
Subject: SF CEQA Reform Story Being Circulated Around San Francisco

PRESS RELEASE: DISTRIBUTED WIDELY TO NEIGHBORHOOD NEWSPAPERS AND ORGANIZATIONS

Recently Introduced Legislation Threatens Right of Neighborhood Groups to Challenge Inappropriate Development and Bad Land Use

Legislation to amend CEQA (California Environmental Quality Act) local procedures, introduced in October 2012 by District 8 Supervisor Scott Wiener, has caused an uproar among neighborhood groups and environmental organizations who watch San Francisco's planning and building processes.

At a crowded Planning Commission hearing in November, individuals and representatives of civic groups listened as Supervisor Wiener described the current procedures for CEQA as "difficult to follow and subject to abuse." After three hours of commentary from the public, the Planning Commission requested that Supervisor Wiener conduct additional public outreach and stakeholder involvement in crafting his legislation.

CEQA requires state and local agencies to analyze and publicly disclose the environmental impacts of proposed projects and to adopt all feasible measures to mitigate those impacts. Existing CEQA legislation ensures that environmental protection is a mandatory part of every local agency's decision making process.

Appeal under CEQA is one of the most important tools that neighborhood groups and individuals may use to influence changes in their neighborhoods. In San Francisco CEQA has a robust track record of guaranteeing that the viewpoints, rights to appeal and environmental concerns of neighbors are considered during the process the City uses to plan and permit buildings, parks, transportation, and other land uses.

If it were not for the existence of CEQA, the open space planning that the Aquatic Park Neighbors and other associations are engaged in now

for the vacant reservoir on Bay Street , for example, (including the dog park and the hillside) would be moot, and the PUC would have been able to unilaterally dispose of the property without fear of community input and leverage. CEQA was put in place to prevent egregious land use errors such as the demolition of Nihonmachi, and the demolition of the Western Addition and the Fillmore Jazz District that displaced an entire neighborhood against their wishes, the Park Merced redevelopment decision, and countless others.

Although Supervisor Wiener's motives are not entirely clear—he has cited some anecdotal "abuse of the process" as the basis for his legislation—he has stressed that his legislation will "streamline" CEQA. During three meetings with stakeholder neighborhood groups and members of environmental organizations following the November Planning Commission hearing, the Supervisor declined multiple requests to supply material or statistics supporting elements of his legislation.

A "work in progress" brief supplied by the Planning Department identifies 48 projects as having been appealed based upon CEQA within a period of two years. The total number of construction and other civic permits issued and subject to appeal under CEQA is estimated to average more than 5,000 in any given year.

City Planning observers believe Wiener's legislation in its current form effectively removes many of the essential elements of appeal under CEQA by reducing or eliminating appeal periods, public notices, information exchange, sunshine guarantees, and by shifting the criteria that would qualify any appeal.

"Streamlining CEQA sounds good but the actual legislation is undemocratic and—until recently—hasn't been accompanied with any outreach or engagement of neighborhood groups like ours in crafting it," said Judith Berkowitz of the Coalition for San Francisco Neighborhoods.

"Supervisor Wiener himself will admit that both he and the Planning Department neglected to work with the Russian Hill Improvement Association, the Sierra Club, the Coalition for SF Neighborhoods, SF Tomorrow, SF Heritage, the Center for Biological Diversity...or any other neighborhood associations prior to drafting his legislation. Even after the Planning Commission at its first hearing on the new legislation requested that the Supervisor work with neighborhood and other public groups, none of the substantive changes that were requested by stakeholders were incorporated into Wiener's latest drafts."

The Planning Department has notified the public that Supervisor Wiener's CEQA legislation will go before the Planning Commission Thursday March 14, then before the Historic Preservation Commission Wednesday March 20. It is likely the legislation will go to the Board of Supervisors Land Use Committee Monday March 25 and to the full Board of Supervisors for final discussion and approval Tuesday March 26.

A four-page analysis of the legislation is available upon request. Judith Berkowitz of the CSFN may be contacted at sfjberk@mac.com

Requirements developed by supporters of modified legislation include the following:

- There must be no 'First Approval' trigger of the appeals clock because it would be far too early in the process to enable sufficient research and understanding of the project. While a clearer trigger is reasonable, that trigger should be the *final* approval that a project as a whole receives from the Planning Commission or the Board of Supervisors (whichever body takes that final action). Where the final approval is also a first approval, we must ensure more robust distribution of notices so that no environmental review falls under the radar.
- There must be no codification of the practice of the Environmental Review Officer (ERO) of the Planning Department, or of individual city agencies enabling them to decide together, autonomously, behind closed doors (in many cases with no notice whatsoever) that a project is exempt from environmental review. All such determinations must be noticed [communicated publicly] to both the Planning Commission and to the public at large. Moreover, where substantial community or environmental impacts are possible, projects should be scheduled for at least a consent calendar vote by the Planning Commission (unless CEQA demands a more thorough process). This would ensure that the public finds out about—and can pull for consideration—any debatable exemption determination.
- All sections which would allow the Board of Supervisors to avoid a formal legal appeal hearing before the full Board are unacceptable. All appeals must be heard at a full, formal, Board appeal hearing, without exception.
- There must be no elimination of the "Fair Argument" standard. State law codifies that an Environmental Impact Report (EIR) is warranted if there is "substantial evidence which supports a fair argument" that a project may significantly negatively impact the environment. Supervisor Wiener's legislation cuts out the words "which supports a fair argument" setting a much tougher test for triggering Environmental Impact Reports. The coalition insists on retaining the current local wording, which simply states "fair argument" on its own.
- Almost all of the deadlines in Supervisor Wiener's legislation for filing an appeal, for noticing, hearings, etc., are far too rapid and the appeal periods too brief. Its 20-day limits for appeals are particularly egregious. Coalition stakeholders require a 60-day public notice period in cases for which more robust noticing is needed, and 30 days rather than 20 in all other cases.
- Reduced noticing for area plans, general plans, and plans covering '20 acres or more' is unacceptable. Under the Wiener legislation, notice in writing of new projects and changes in such project areas would no longer be required to residents within those area plans and within 300 feet of their boundaries. Such large area plans should get more public notice and scrutiny, not less.
- Current practice of allowing new projects to avoid environmental review when they are within a larger project that has already received



environmental review should be much more restricted in any new CEQA procedures law. Such 'bootstrapping' of new projects into old approvals should be greatly curtailed.

- Combining Mitigated Negative Declarations and Simple Negative Declarations into one category is unacceptable. All preliminary mitigated negative declarations which the ERO negotiates with developers must be fully noticed in writing to the public with all mitigations indicated. And where significant environmental impacts may exist, a Planning Commission hearing on a mitigated negative declaration must be required.
- All CEQA public noticing practices must be very proactive. MOST IMPORTANTLY: Any proposed CEQA legislation should require that any failure in noticing to the public result in an automatic extension of comment and appeal deadlines by the number of days the noticing error delayed public awareness; and where this is unclear or the noticing failure was egregious, the deadline clock for comments and appeals should simply be reset to the beginning of the full required deadline period. In cases for which an environmental review or EIR document and/or the underlying project are very large, voluminous and/or complex, the public should be able to easily request and receive extensions in comment and noticing deadlines.

Turn on to politics, or politics will turn on you.

--Ralph Nader

Actions speak louder than words but not nearly as often.

--Mark Twain



From: Board of Supervisors
To: BOS-Supervisors
Subject: Sunday Parking

From: Scott Houghton [mailto:scohou@gmail.com]
Sent: Tuesday, February 26, 2013 1:43 PM
To: Lee, Mayor; Board of Supervisors; bob@sfchamber.com; jlazarus@sfchamber.com
Subject: Sunday Parking

To All,

I just paid a \$72.00 overtime parking ticket issued @ 5:43 PM, Sunday, 02/17/2013. Another reason not to travel to San Francisco, as the City government seeks to squeeze every dime possible out of anyone with the temerity to drive a car to San Francisco. "Transit First" means making it miserable to drive a car, it is certainly not about improving public transportation.

I am a fourth generation San Franciscan who now resides in Marin. In the future I will avoid traveling to San Francisco and I will not spend one dime in San Francisco if it can at all be avoided.

Sincerely,

Scott Houghton



From: Board of Supervisors
To: BOS-Supervisors
Subject: RE: Small Business Owner - Lucky Dogs 2211 Filbert Street (Marina/Cow Hollow)

From: aric.doo@luckydogssf.com [<mailto:aric.doo@luckydogssf.com>]
Sent: Sunday, February 24, 2013 4:38 PM
To: Farrell, Mark
Cc: Board of Supervisors
Subject: [FWD: RE: Small Business Owner - Lucky Dogs 2211 Filbert Street (Marina/Cow Hollow)]

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

Subject: RE: Small Business Owner - Lucky Dogs 2211 Filbert Street (Marina/Cow Hollow)
From: <aric.doo@luckydogssf.com>
Date: Sat, June 16, 2012 3:58 am
To: Mark.Farrell@sfgov.org

Dear Mark,

My name is Aric Doo, and I am a small business owner in the Marina/Cow Hollow district. I own a fast food hot dog restaurant located at 2211 Filbert St., the cross street is Fillmore. The majority of my sales come from Friday and Saturday night evening between the times of 11:00pm-2:30am. The patrons of my restaurant are the patrons from all of the local bars within a four block radius. At some point last year, I have been noticing several street vendors selling bacon wrapped hot dogs in front of various bars in the neighborhood. There are usually two to three of these vendors out from 11:00pm to 1:00am selling their food. I usually walk around this area during these times, and I call the police station to report them. I have operated outdoor food facilities in San Francisco on many occasions, and I know first hand that these vendors are illegal.

The police station always tells me that they will send someone down to handle it, but nothing is ever done. I am a small business owner, I pay all of my taxes to the BOE, business registration fees to the city and county of San Francisco, meet all of the health code regulations, paid for the health inspection testing for myself and employees, compete with the other local fast food restaurants in the area and even pay high priced rent to be in the Marina/Cow Hollow area. Why is it that I must compete with a street vendor that pays nothing to the city. These hot dog street vendors easily take away an estimated \$400 away from my business. My business was doing much better prior to these vendors invading this area. Can we put a stop to this, or at least regulate this situation better? As a voting San Franciscan native/small business owner, I strongly feel that I have a right to see an end to the street vendors in my area.

Thank you,
Aric Doo



Veterans Affairs Commission
City and County of San Francisco
 War Memorial Veterans Building
 401. Van Ness Avenue, Room 101
 San Francisco. CA 94102

BOS-11
 COB
 cpage
 RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO
 2013 FEB 26 PM 2:31

The Honorable Edwin Lee, Mayor
Office of the Mayor of San Francisco
 #1 Dr. Carlton Goodlett Place
 Room 200 – City Hall
 San Francisco, CA 94102

February 22, 2013

Dear Mayor Lee

During the 2012 Legislative Year, the California State Legislative bodies sent four (4) new ‘Veterans Related’ pieces of legislation to Governor Brown for his signature.

We are pleased to see that Governor Brown has signed three (3) of these into law. They are:

AB2371 authored by (retired) Assemblywoman **Betsy Butler**. This new law authorizes the State Courts to refer Veterans with mental health issues (arising from their military service), to restorative mental health programs without first pleading guilty to charges.

AB2490, also authored by **Assemblywoman Butler**, requires the appointment of a correctional counselor to assist Veteran inmates in pursuit of their legitimate claims for appropriate veterans benefits.

SB661, authored by **Senator Ted Lieu**, is a bold new measure to prevent the disgraceful practice of public protests at military funerals, by hate groups attempting to advance their political agenda.

The San Francisco Veterans Affairs Commission fully endorses all three of the new laws, and offers sincere congratulations to both houses of the California State Legislature, the Governor, and in particular the **authors and sponsors of these important new laws that impact Veterans and the Veterans Community of our City and State.**

We herewith advise the City of San Francisco government to seek every avenue to promulgate these new laws within the City and County of San Francisco, to the benefit of its Veterans Community.

Respectfully Submitted,

Commissioner Eduardo Ramirez
2013 VAC President

Copy to:
 San Francisco Board of Supervisors Via Supervisor David Chiu, President
 Assemblywoman Betsy Butler (Retired) – 11655 Santa Monica Blvd., Los Angeles, CA 90025
 Senator Ted Lieu - California State Capital, Room 4061, Sacramento, CA 95814
 Gov. Edmund G. Brown, Jr. – c/o State Capital, Suite 1173, Sacramento, CA 95814

Sonia E. Melara, M.S.W.
President

Catherine M. Waters, R.N., Ph.D.
Vice President

Edward A. Chow, M.D.
Commissioner

Cecilia Chung
Commissioner

David J. Sanchez, Jr., Ph.D.
Commissioner

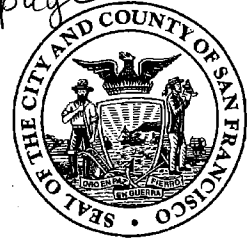
Belle Taylor-McGhee
Commissioner

**HEALTH COMMISSION
CITY AND COUNTY OF SAN
FRANCISCO**

Edwin M. Lee, Mayor
Department of Public Health

**Document is available
at the Clerk's Office
Room 244, City Hall**

BOS-11
Cpage



Barbara A. Garcia, M.P.A.
Director of Health

Mark Morewitz, M.S.W.
Executive Secretary

TEL (415) 554-2666

FAX (415) 554-2665

Web Site: <http://www.sfdph.org>

February 5, 2013

The Honorable David Chiu, President
Members, San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

Dear President Chiu,

Attached is the San Francisco Department of Public Health's 2011-2012 Annual Report.

The Health Commission is proud of the ground-breaking work implemented by the Department of Public Health (DPH). In addition to highlights from each of the DPH Divisions, the Report includes a focus on the DPH Integrated Service Delivery System, Public Health Accreditation, and the work of the Health Commission 5-Year Budget Subcommittee.

Sincerely,

A handwritten signature in cursive script that reads "Sonia E. Melara".

Sonia E. Melara, MSW
President
San Francisco Health Commission

Attachments (1)

cc: Supervisor John Avalos
Supervisor London Breed
Supervisor David Campos
Supervisor Carmen Chu
Supervisor Malia Cohen
Angela Calvillo, Clerk of the Board
Supervisor Mark Farrell
Supervisor Jane Kim
Supervisor Eric Mar
Supervisor Scott Weiner
Supervisor Norman Yee

