

Senate Bill No. 2052

Passed the Senate May 2, 2002

Secretary of the Senate

Passed the Assembly June 24, 2002

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2002, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to repeal and add Section 2805 of the Fish and Game Code, relating to endangered species.

LEGISLATIVE COUNSEL'S DIGEST

SB 2052, Sher. Natural community conservation plans: endangered species.

Existing law establishes the Natural Community Conservation Planning Act. Under this act, the Fish and Game Commission, upon recommendation from the Department of Fish and Game, may authorize the taking of any candidate species whose conservation, protection, restoration, and enhancement is provided for in a department approved natural community conservation plan.

Under the existing California Endangered Species Act, the commission is required to establish a list of candidate species along with a list of endangered species and a list of threatened species. The act defines candidate species, for purposes of the act, to mean a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has published a notice of proposed regulation to add the species to either list.

This bill would provide that, for purposes of the Natural Community Conservation Planning Act, the phrase “candidate species” has the same meaning as defined under the California Endangered Species Act, and would make technical changes in existing law.

The people of the State of California do enact as follows:

SECTION 1. Section 2805 of the Fish and Game Code, as added by Section 2 of Chapter 4 of the Statutes of 2002, is repealed.

SEC. 2. Section 2805 is added to the Fish and Game Code, to read:

2805. The definitions in this section govern the construction of this chapter:



(a) “Adaptive management” means to use the results of new information gathered through the monitoring program of the plan and from other sources to adjust management strategies and practices to assist in providing for the conservation of covered species.

(b) “Candidate species” has the same meaning as defined in Section 2068.

(c) “Changed circumstances” are reasonably foreseeable circumstances that could affect a covered species or geographic area covered by the plan.

(d) “Conserve,” “conserving,” and “conservation” mean to use, and the use of, methods and procedures within the plan area that are necessary to bring any covered species to the point at which the measures provided pursuant to Chapter 1.5 (commencing with Section 2050) are not necessary, and for covered species that are not listed pursuant to Chapter 1.5 (commencing with Section 2050), to maintain or enhance the condition of a species so that listing pursuant to Chapter 1.5 (commencing with Section 2050) will not become necessary.

(e) “Covered species” means those species, both listed pursuant to Chapter 1.5 (commencing with Section 2050) and nonlisted, conserved and managed under an approved natural community conservation plan and that may be authorized for take.

(f) “Department assurance” means the department’s commitment pursuant to subdivision (f) of Section 2820.

(g) “Monitoring program” means a program within an approved natural community conservation plan that provides periodic evaluations of monitoring results to assess the adequacy of the mitigation and conservation strategies or activities and to provide information to direct the adaptive management program. The monitoring program shall, to the extent practicable, also be used to meet the monitoring requirements of Section 21081.6 of the Public Resources Code. A monitoring program includes all of the following:

- (1) Surveys to determine the status of biological resources addressed by the plan, including covered species.
- (2) Periodic accountings and assessment of authorized take.
- (3) Progress reports on all of the following matters:



(A) Establishment of habitat reserves or other measures that provide equivalent conservation of covered species and providing funding where applicable.

(B) Compliance with the plan and the implementation agreement by the wildlife agencies, local governments, and landowners who have responsibilities under the plan.

(C) Measurements to determine if mitigation and conservation measures are being implemented roughly proportional in time and extent to the impact on habitat or covered species authorized under the plan.

(D) Evaluation of the effectiveness of the plan in meeting the conservation objectives of the plan.

(E) Maps of land use changes in the plan area that may affect habitat values or covered species.

(4) A schedule for conducting monitoring activities.

(h) “Natural community conservation plan” or “plan” means the plan prepared pursuant to a planning agreement entered into in accordance with Section 2810. The plan shall identify and provide for those measures necessary to conserve and manage natural biological diversity within the plan area while allowing compatible and appropriate economic development, growth, and other human uses.

(i) “Person” has the same meaning as defined in Section 711.2.

(j) (1) “Plan participant,” prior to approval of a natural community conservation plan and execution of an implementation agreement, means a signatory to the planning agreement.

(2) Upon approval of a natural community conservation plan and execution of an implementation agreement, “plan participant” means the permittees and any local agency that is a signatory to the implementing agreement.

(k) “Unforeseen circumstances” means changes affecting one or more species, habitat, natural community, or the geographic area covered by a conservation plan that could not reasonably have been anticipated at the time of plan development, and that result in a substantial adverse change in the status of one or more covered species.

(l) “Wildlife” has the same meaning as defined in Section 711.2.

(m) “Wildlife agencies” means the department and one or both of the following:



- (1) United States Fish and Wildlife Service.
- (2) National Marine Fisheries Service.



Approved _____, 2002

Governor

