

Introduced by Senator RunnerFebruary 24, 2009

An act to add Section 2081.3 to the Fish and Game Code, relating to endangered species.

LEGISLATIVE COUNSEL'S DIGEST

SB 281, as introduced, Runner. Endangered species: incidental take.

The California Endangered Species Act prohibits the taking of an endangered or threatened species, except as specified. The Department of Fish and Game may authorize the take of listed species if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated.

This bill would require the department to require, for any incidental take permit for a renewable energy project in the Mojave or Colorado desert region that is permitted after January 1, 2008, and prior to adoption of the final Desert Renewable Energy Conservation Plan (DRECP) mandated by Executive Order S-14-08, species impact avoidance, minimization, and mitigation in accordance with a specified federal Bureau of Land Management plan. The bill would repeal that requirement on the date that the director certifies to the Secretary of State that the final DRECP has been adopted.

The bill would find and declare that because of unique circumstances applicable to the lands affected by the DRECP, a general statute cannot be made applicable, and that, therefore, enactment of a special statute is necessary.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 2081.3 is added to the Fish and Game
2 Code, to read:

3 2081.3. (a) The department, for any incidental take permit
4 issued pursuant to Section 2081 for a renewable energy project in
5 the Mojave or Colorado desert region that is permitted after January
6 1, 2008, and prior to adoption of the final Desert Renewable Energy
7 Conservation Plan mandated by Executive Order S-14-08, shall
8 require species impact avoidance, minimization, and mitigation
9 in accordance with the federal Bureau of Land Management's
10 2006 Record of Decision, West Mojave Plan, Amendment to the
11 California Desert Conservation Area Plan.

12 (b) This section shall remain in effect only until the director
13 certifies to the Secretary of State that the final Desert Renewable
14 Energy Conservation Plan mandated by Executive Order S-14-08
15 has been adopted, in which case this section shall be repealed on
16 the date of that certification.

17 SEC. 2. The Legislature finds and declares that because of
18 unique circumstances applicable to the lands affected by the Desert
19 Renewable Energy Conservation Plan mandated by Executive
20 Order S-14-08, a statute of general applicability cannot be enacted
21 within the meaning of subdivision (b) of Section 16 of Article IV
22 of the California Constitution, and the enactment of a special statute
23 is therefore necessary.