

Introduced by Senator Aanestad

February 21, 2003

An act to amend Sections 2071.5, 2072.3, 2074.6, and 2075 of the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 737, as introduced, Aanestad. Endangered species: designation: economic or social impacts.

(1) Existing law requires the Department of Fish and Game to recommend, and the Fish and Game Commission to adopt, criteria for determining if a species is endangered or threatened. The commission is required to establish a list of endangered species and a list of threatened species and to add or remove species from either list if it finds, upon the receipt of sufficient scientific information, as specified, that the action is warranted. Interested persons, including the department, are authorized to petition the commission to add species to, or delete species from, the lists. The department is required to review the status of the species concerned in the petition and provide a written report to the commission, based upon the best scientific information available to the department, that indicates whether the petitioned action is warranted. The commission is required to schedule the petition for final consideration at its next available meeting after receipt of the departmental report.

This bill would require the recommended and adopted criteria to include guidelines for determining the weight to be accorded any social or economic impacts that may result from adding a species to, or deleting a species from, either the list of endangered species or the list of threatened species.

The bill would require petitions submitted to the commission for the purpose of modifying the lists to include, among other things, information regarding any social or economic impacts that may result from the petitioned action, including a detailed plan for the mitigation of those impacts.

The bill would require the department’s report to set forth a detailed plan for the mitigation of any social or economic impacts that may result from the petitioned action.

The bill would require the commission to schedule the petition for final consideration at its next available meeting that is scheduled 90 days or more after receipt of the departmental report.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department and to the commission to pay all necessary expenses incurred in carrying out the Fish and Game Code and to pay the compensation and expenses of the commissioners and employees of the commission.

By imposing new duties on the commission and the department, this bill would make an appropriation.

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

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

- 1 SECTION 1. Section 2071.5 of the Fish and Game Code is
- 2 amended to read:
- 3 2071.5. The department shall recommend, and the
- 4 commission shall adopt, criteria for determining if a species is
- 5 endangered or threatened. *The recommended and adopted criteria*
- 6 *shall include, but need not be limited to, guidelines for determining*
- 7 *the significance to be accorded any social or economic impacts*
- 8 *that may result from adding a species to, or deleting a species from,*
- 9 *either the list of endangered species or the list of threatened*
- 10 *species.*
- 11 SEC. 2. Section 2072.3 of the Fish and Game Code is
- 12 amended to read:
- 13 2072.3. To be accepted, a petition shall, at a minimum,
- 14 include sufficient scientific information that a petitioned action
- 15 may be warranted. Petitions shall include information regarding
- 16 the population trend, range, distribution, abundance, and life
- 17 history of a species, the factors affecting the ability of the



1 population to survive and reproduce, the degree and immediacy of
2 the threat, the impact of existing management efforts, suggestions
3 for future management, and the availability and sources of
4 information. The petition shall also include information regarding
5 the kind of habitat necessary for species survival, a detailed
6 distribution map, and any other factors that the petitioner deems
7 relevant. *The petition shall include information regarding any*
8 *social or economic impacts that may result from the petitioned*
9 *action, including, but not limited to, a detailed plan for the*
10 *mitigation of those impacts.*

11 SEC. 3. Section 2074.6 of the Fish and Game Code is
12 amended to read:

13 2074.6. The department shall promptly commence a review
14 of the status of the species concerned in the petition. Within 12
15 months of the date of publication of a notice of acceptance of a
16 petition for consideration by the commission pursuant to
17 paragraph (2) of subdivision (a) of Section 2074.2, the department
18 shall provide a written report to the commission, based upon the
19 best scientific information available to the department, ~~which~~
20 ~~indicates that does all of the following:~~

21 (a) *Indicates* whether the petitioned action is warranted, ~~which~~
22 ~~includes.~~

23 (b) *Includes* a preliminary identification of the habitat that may
24 be essential to the continued existence of the species, ~~and which~~
25 ~~recommends.~~

26 (c) *Recommends* management activities and other
27 recommendations for recovery of the species.

28 (d) *Sets forth a detailed plan for the mitigation of any social or*
29 *economic impacts that may result from the petitioned action.*

30 SEC. 4. Section 2075 of the Fish and Game Code is amended
31 to read:

32 2075. The commission shall schedule the petition for final
33 consideration at its next available meeting *that is scheduled 90*
34 *days or more* after receipt of the departmental report provided
35 pursuant to Section 2074.6 and shall distribute the pending agenda
36 for that meeting pursuant to Section 2078. The commission shall
37 make the department's report, or copies thereof, which was



1 provided, pursuant to Section 2074.6, available for review upon
2 request.

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