

AMENDED IN ASSEMBLY APRIL 20, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2699**

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**Introduced by Assembly Member Emmerson**

February 24, 2006

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An act to add Chapter 7.9 (commencing with Section 1798) to Division 2 of the Fish and Game Code, relating to habitat mitigation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2699, as amended, Emmerson. Habitat mitigation.

(1) Existing law permits the Department of Fish and Game to enter into contracts for fish and wildlife preservation, restoration, and enhancement with public and private entities whenever the department finds that the contracts will assist in meeting the department's duty to preserve, protect, and restore fish and wildlife. Existing law generally permits the department to grant funds for fish and wildlife habitat preservation, restoration, and enhancement, as prescribed.

This bill would enact the Habitat Mitigation Act of 2006, which would ~~express the intent of the Legislature to prescribe requirements for land preserved for open space and habitat mitigation relating to the management and preservation of those lands~~ *require an entity that agrees to accept responsibility for the preservation and maintenance of any land set aside for mitigation purposes by the department or any other state or local entity to create a management plan and conduct biological studies, as specified. The bill would also require the department to conduct annual audits to ensure that all endowment moneys, as defined, are used for habitat management and preservation.*

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

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

1 SECTION 1. Chapter 7.9 (commencing with Section 1798) is  
2 added to Division 2 of the Fish and Game Code, to read:

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CHAPTER 7.9. HABITAT MITIGATION ACT OF 2006

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~~Article 1. General Provisions~~

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8 1798. This chapter shall be known and may be cited as the  
9 Habitat Mitigation Act of 2006.

10 1798.1. *Any state local governmental entity and any or*  
11 *nongovernmental entity that agrees to accept responsibility for*  
12 *the preservation and maintenance of any land that is set aside for*  
13 *mitigation purposes by the department or any other state or local*  
14 *government entity shall do both of the following:*

15 (a) *Create a management plan that protects and appropriately*  
16 *manages the land. The management plan shall be created with*  
17 *input from the public and the department, and, to the extent it*  
18 *agrees to provide input, the United States Fish and Wildlife*  
19 *Service.*

20 (b) *Conduct annual biological studies on the land to ensure*  
21 *the preservation goals of the mitigation are maintained.*

22 1798.2. *Any land set aside for mitigation purposes under*  
23 *federal law or by a federal entity shall be exempt from this*  
24 *chapter.*

25 1798.3. (a) *All endowment moneys collected for the purpose*  
26 *of, or in connection with the setting aside of, any land described*  
27 *in Section 1798.1, shall be used for habitat management and*  
28 *preservation on or relating to that land.*

29 (b) *Annual audits shall be conducted by the department to*  
30 *ensure compliance with subdivision (a).*

31 (c) *For the purpose of this section “endowment” means a per*  
32 *acre fee collected by the department or other government entity*  
33 *pursuant to a mitigation agreement for the purpose of paying the*  
34 *management and maintenance costs of a specific parcel.*

1     ~~1798.2. It is the intent of the Legislature to enact the Habitat~~  
2 ~~Mitigation Act of 2006 to prescribe requirements for land~~  
3 ~~preserved for open space and habitat mitigation by requiring~~  
4 ~~those lands to have a management plan with input from the~~  
5 ~~public, the department, and the United States Fish and Wildlife~~  
6 ~~Service, by requiring annual biological studies and budget audits~~  
7 ~~to be conducted with respect to the land, and by requiring~~  
8 ~~endowment moneys related to the land to be used for habitat~~  
9 ~~management and preservation.~~

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