

AMENDED IN ASSEMBLY JUNE 11, 2009

AMENDED IN SENATE MAY 14, 2009

AMENDED IN SENATE APRIL 22, 2009

**SENATE BILL**

**No. 481**

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**Introduced by Senator Cox  
(Principal coauthor: Senator Steinberg)**

February 26, 2009

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An act to add Article 8 (commencing with Section 3470) to Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

SB 481, as amended, Cox. Airports: wildlife.

Existing law regulates the taking or possession of birds, mammals, fish, amphibians, and reptiles. Under existing law, the Department of Fish and Game ~~exercises~~ *performs* various functions with regards to the taking of fish and game. Existing law generally provides that a violation of fish and game laws is a crime.

This bill would provide that a public use airport certificated by the Federal Aviation Administration operating in the state that takes wildlife pursuant to a federal depredation permit, does not violate state fish and game laws, if the taking occurs on land owned or leased by the airport that is not habitat mitigation land, and there is no taking of an endangered species or candidate, threatened or endangered species. *The bill would specify that a taking is only authorized to relieve or prevent injurious situations affecting public safety and can only be performed as part of an integrated wildlife management program that emphasizes nonlethal management techniques.*

The bill would require the airport to provide to the department all federal reports required pursuant to a federal depredation permit and to provide the department reasonable access to airport land to ensure compliance. The bill would require the department to seek reimbursement from the airport for the reasonable costs associated with activities resulting from any violations of these provisions.

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. Article 8 (commencing with Section 3470) is  
2 added to Chapter 2 of Part 1 of Division 4 of the Fish and Game  
3 Code, to read:

4  
5 Article 8. Management of Wildlife at Public Use Airports  
6

7 3470. It is the policy of the state to actively encourage the safe  
8 and biologically sound management of wildlife resources on  
9 California’s public use airports as regulated by the Federal Aviation  
10 Administration (FAA) and its agents. The Legislature recognizes  
11 that public use airports serving in the United States are operated  
12 according to regulations and policies promulgated by the FAA and  
13 federal law that protect the health, safety, and welfare of the public  
14 in compliance with applicable FAA regulations, standards, policies,  
15 and guidance, wildlife hazard management plans, and associated  
16 permits.

17 3471. The department recognizes that, in a public use airport’s  
18 ongoing efforts to protect the health, safety, and welfare of the  
19 traveling public in compliance with Federal Aviation  
20 Administration (FAA) regulations, and specifically Section 337  
21 of Part 139 of Title 14 of the Code of Federal Regulations, it is  
22 necessary to perform limited and authorized wildlife hazing,  
23 harassment, and depredation. The department further recognizes  
24 that FAA certificated public use airports and their wildlife hazard  
25 management staff must harass, haze, or perform removal of species  
26 to protect the health, safety, and welfare of the public when  
27 authorized by a current, valid federal fish and wildlife depredation  
28 permit.

1 3472. A public use airport certificated by the Federal Aviation  
2 Administration to operate in California that has obtained, and is  
3 in compliance with, a federal depredation permit that authorizes,  
4 under specified conditions, the lawful and incidental taking of  
5 wildlife, does not violate any provision of this code or regulations  
6 adopted pursuant to this code, if all of the following conditions  
7 are met:

8 (a) The taking occurs on lands owned or leased by the airport.

9 (b) The taking does not occur on lands owned or leased by the  
10 airport that are reserved for habitat mitigation *or conservation*  
11 *purposes of the species being taken*, including lands in a habitat  
12 conservation plan, or a natural communities conservation plan.

13 (c) There is no taking of a fully protected species or candidate,  
14 threatened, or endangered species.

15 *3472.1. Take is authorized pursuant to this article only to*  
16 *relieve or prevent injurious situations affecting public safety and*  
17 *shall only be performed as part of an integrated wildlife*  
18 *management program that emphasizes nonlethal management*  
19 *techniques.*

20 ~~3472.1.~~

21 *3472.2.* A public use airport certificated by the Federal Aviation  
22 Administration shall provide to the department all federal reports  
23 required pursuant to any federal depredation permit, and shall also  
24 provide reasonable access to the department for purposes of  
25 ensuring compliance with this article. The department shall seek  
26 reimbursement from the public use airport for any reasonable costs  
27 associated with activities resulting from any violations of this  
28 article.