

Senate Bill No. 481

Passed the Senate August 20, 2009

Secretary of the Senate

Passed the Assembly August 17, 2009

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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 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 the taking of birds by a public use airport certificated by the Federal Aviation Administration operating in the state pursuant to a federal depredation permit, does not violate state fish and game laws if the taking is in compliance with that permit and the taking occurs on land owned or leased by the airport that is not habitat mitigation or conservation land, and there is no taking of a fully protected, 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 depredation permits and all federal reports required pursuant to any federal depredation permit or wildlife hazard management plan, or both, and to provide the department reasonable access 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.

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

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

Article 8. Management of Wildlife at Public Use Airports

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

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

3472. The taking of birds by a public use airport certificated by the Federal Aviation Administration to operate in California that has obtained, and is in compliance with, a federal depredation permit that authorizes, under specified conditions, the lawful taking of birds, does not violate any provision of this code or regulations adopted pursuant to this code if the taking is in compliance with the federal depredation permit for the purposes specified in Section 3472.1 and all of the following conditions are met:

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

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

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

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

3472.2. A public use airport certificated by the Federal Aviation Administration shall provide to the department any federal depredation permit and all federal reports required pursuant to any federal depredation permit or wildlife hazard management plan, or both, and shall also provide reasonable access to the department for purposes of ensuring compliance with this article. The department shall seek reimbursement from the public use airport for any reasonable costs associated with activities resulting from any violations of this article.

Approved _____, 2009

Governor