

AMENDED IN ASSEMBLY APRIL 28, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 498

Introduced by Assembly Member Levine

February 23, 2015

An act to amend Sections ~~1930~~ 1797.5, 1930, and 1930.5 of the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 498, as amended, Levine. Wildlife conservation: wildlife corridors.

Existing law requires the Department of Fish and Wildlife to administer the Significant Natural Areas Program, and requires the department, among other things, to develop and maintain a spatial data system that identifies those areas in the state that are most essential for maintaining habitat connectivity, including wildlife corridors and habitat linkages. Existing law requires the department, contingent upon the provision of certain funding, to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages and prioritize vegetative data development in those areas. Existing law requires the department to seek input from representatives of other state agencies, local government, federal agencies, nongovernmental conservation organizations, landowners, agriculture, recreation, scientific entities, and industry in determining essential wildlife corridors and habitat linkages.

This bill would declare that it is the policy of the ~~state and all state agencies~~, *state*, with regard to a project proposed in an area identified

as a wildlife corridor, to encourage the project proponent to consult with the department, and, wherever feasible and practicable, take *voluntary* steps to promote, protect, or restore the functioning of the wildlife corridor through various means, as applicable.

Existing law provides for the establishment of conservation banks, defined as publicly or privately owned and operated sites that are to be conserved and managed for habitat protection purposes in accordance with an agreement with the Department of Fish and Wildlife. Existing law provides for the issuance of credits by a conservation bank to, among other things, reduce adverse impacts to fish or wildlife resources from certain activities.

This bill would include within the authorized purposes of a conservation bank the maximization of habitat connectivity for fish and wildlife resources.

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 1797.5 of the Fish and Game Code is*
2 *amended to read:*

3 1797.5. For the purposes of this chapter, the following terms
4 shall have the following meanings:

5 (a) “Bank” means a conservation bank, mitigation bank, or
6 conservation and mitigation bank.

7 (b) “Bank enabling instrument” means a written agreement with
8 the department regarding the establishment, use, operation, and
9 maintenance of the bank.

10 (c) “Bank sponsor” means the person or entity responsible for
11 establishing and operating a bank.

12 (d) “Conservation bank” means a publicly or privately owned
13 and operated site that is to be conserved and managed in accordance
14 with a written agreement with the department that includes
15 provisions for the issuance of credits, on which important habitat,
16 including habitat for threatened, endangered, or other special status
17 species, exists, has been, or will be created to do any of the
18 following:

19 (1) Compensate for take or other adverse impacts of activities
20 authorized pursuant to Chapter 1.5 (commencing with Section
21 2050) of Division 3.

1 (2) Reduce adverse impacts to fish or wildlife resources from
2 activities, authorized pursuant to Chapter 6 (commencing with
3 Section 1600) of Division 2, to less than substantial.

4 (3) Mitigate significant effects on the environment pursuant to
5 the California Environmental Quality Act (Division 13
6 (commencing with Section 21000) of the Public Resources Code)
7 and Guidelines for Implementation of the California Environmental
8 Quality Act (Chapter 3 (commencing with Section 15000) of
9 Division 6 of Title 14 of the California Code of Regulations).

10 (4) Establish mitigation in advance of any impacts or effects.

11 (5) *To the extent practicable, maximize habitat connectivity for*
12 *the affected fish and wildlife resources.*

13 (e) “Conservation easement” means a perpetual conservation
14 easement, as defined by Section 815.1 of the Civil Code, covering
15 the real property that comprises the bank site.

16 (f) “Mitigation bank” means either of the following:

17 (1) A bank site or mitigation bank site as defined by Section
18 1777.2.

19 (2) Any publicly or privately owned and operated site, other
20 than those defined by Section 1777.2, on which wetlands exist,
21 have been, or will be created, and that is to be conserved and
22 managed in accordance with a written agreement with the
23 department for any of the purposes described in paragraphs (1) to
24 (4), inclusive, of subdivision (d).

25 (g) “Person” has the meaning set forth in subdivision (b) of
26 Section 711.2.

27 (h) “Prospectus” means a written summary of the proposed bank
28 containing a sufficient level of detail to support informed
29 department review and comment.

30 **SECTION 1.**

31 *SEC. 2.* Section 1930 of the Fish and Game Code is amended
32 to read:

33 1930. The Legislature finds and declares that:

34 (a) Areas containing diverse ecological and geological
35 characteristics are vital to the continual health and well being of
36 the state’s natural resources and of its citizens.

37 (b) Many habitats and ecosystems that constitute the state’s
38 natural diversity are in danger of being lost.

39 (c) Connectivity between wildlife habitats is important to the
40 long-term viability of the state’s biodiversity.

1 (d) Preserving, restoring, and connecting high-quality habitat
2 for wildlife can create habitat strongholds.

3 (e) Increasingly fragmented habitats threaten the state's wildlife
4 species.

5 (f) There is ~~insufficient~~ *an opportunity to provide* incentive for
6 private landowners to maintain and perpetuate significant local
7 natural areas in their natural state.

8 (g) Efforts to preserve natural areas have been fragmented
9 between federal, state, local, and private sectors.

10 (h) Analysis of the state's habitat connectivity benefits from the
11 consideration of all relevant data, including information from
12 private and public landowners.

13 (i) The department's existing mapping activities and products
14 should be developed and sustained.

15 (j) The importance of wildlife corridors to assist in adapting to
16 climate change has been recognized by such groups as the Western
17 Governor's Association, which unanimously approved a policy to
18 protect wildlife migration corridors and crucial wildlife habitat in
19 2007. Individual local, state, and federal agencies have also adopted
20 policies aimed at protecting wildlife corridors and restoring habitat
21 connectivity, in order to protect ecosystem health and biodiversity
22 and to improve the resiliency of wildlife and their habitats to
23 climate change. However, these efforts could be enhanced through
24 establishment of a statewide policy to protect and restore important
25 wildlife corridors and habitat linkages where feasible.

26 ~~SEC. 2.~~

27 *SEC. 3.* Section 1930.5 of the Fish and Game Code is amended
28 to read:

29 1930.5. (a) Contingent upon funding being provided by the
30 Wildlife Conservation Board from moneys available pursuant to
31 Section 75055 of the Public Resources Code, or from other
32 appropriate bond funds, upon appropriation by the Legislature, the
33 department shall investigate, study, and identify those areas in the
34 state that are most essential as wildlife corridors and habitat
35 linkages, as well as the impacts to those wildlife corridors from
36 climate change, and shall prioritize vegetative data development
37 in these areas.

38 (b) It is the intent of the Legislature that the Wildlife
39 Conservation Board use various funds to work with the department
40 to complete a statewide analysis of wildlife corridors and

1 connectivity to support conservation planning and climate change
2 adaptation activities.

3 (c) It is the policy of the state to promote the *voluntary*
4 ~~protection of wildlife corridors, corridors and habitat strongholds,~~
5 ~~and habitat linkages~~ *strongholds* in order to enhance the resiliency
6 of wildlife and their habitats to climate change, protect biodiversity,
7 and allow for the migration and movement of species by providing
8 connectivity between habitat lands. In order to further these goals,
9 it is the policy of the ~~state and all state agencies, state,~~ with regard
10 to a project proposed in an area identified as a wildlife corridor,
11 to encourage the project proponent to consult with the department,
12 and, wherever feasible and practicable, take *voluntary* steps to
13 promote, protect, or restore the functioning of the wildlife corridor
14 through various means, as applicable. Those means may include,
15 but are not necessarily limited to, acquisition or protection of
16 wildlife corridors as open space through conservation easements,
17 installing of wildlife-friendly fencing, and provision of roadway
18 undercrossings and oversized culverts and bridges to allow for
19 movement of wildlife between habitat areas, as applicable.

20 ~~(d) In adopting the policy described in subdivision (c), it is not~~
21 ~~the intent of the Legislature to create new regulatory requirements.~~
22 The

23 *(d) It is further the intent of the Legislature that state agencies*
24 *and other conservation planners be encouraged to access publicly*
25 *available database tools developed by the department and other*
26 *conservation partners to support and assist conservation planning*
27 *and facilitate identification, mapping, and prioritization of wildlife*
28 *corridors and other habitat connectivity linkages. Those tools shall*
29 *include, but need not be limited to, the statewide California*
30 *Essential Habitat Connectivity Project and other more fine-scale*
31 *regional wildlife connectivity analyses, as those guidance tools*
32 *are developed and refined and made publicly available through*
33 *the department's Internet Web site.*

34 *(e) The Legislature finds and declares that there are a number*
35 *of existing programs, including, but not necessarily limited to,*
36 *programs involving working landscapes, such as ~~timberlands~~*
37 *timberlands, agricultural lands, and rangelands, that are already*
38 *working to achieve the policy described in subdivision (c).*

39 *(f) Subdivision (c) shall not be construed to create new*
40 *regulatory requirements or modify the requirements of the*

1 *California Environmental Quality Act (Division 13 (commencing*
2 *with Section 21000) of the Public Resources Code).*

3 (e)

4 (g) For purposes of this chapter, the following terms have the
5 following meanings:

6 (1) “Habitat stronghold” means high-quality habitat that supports
7 wildlife in being more resilient to increasing pressures on species
8 due to climate change and land development.

9 (2) “Wildlife corridor” means a habitat linkage that joins two
10 or more areas of wildlife habitat, allowing for the movement of
11 wildlife from one area to another.