

AMENDED IN SENATE SEPTEMBER 4, 2015

AMENDED IN SENATE AUGUST 26, 2015

AMENDED IN SENATE JUNE 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 559

Introduced by Assembly Member Lopez

February 23, 2015

An act to add Section 1021 to the Fish and Game Code, relating to monarch butterflies.

LEGISLATIVE COUNSEL'S DIGEST

AB 559, as amended, Lopez. Monarch butterflies: conservation.

Existing law establishes the Department of Fish and Wildlife and sets forth the duties of that department, which include administering various programs for the protection and conservation of fish and wildlife resources.

This bill would authorize the department to take *feasible* actions to conserve monarch butterflies and the unique habitats they depend upon for successful migration. The bill would authorize the department to partner with federal agencies, nonprofit organizations, academic programs, private landowners, and other entities that undertake actions to conserve monarch butterflies and aid their successful migration, including the Monarch Joint Venture. The bill would require the department, when undertaking actions to conserve monarch butterflies and their habitats, to use the best available science and consider taking specified actions.

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. The Legislature hereby finds and declares the
2 following:

3 (a) Monarch butterflies are a favorite butterfly of people
4 throughout North America and concern for their survival brings
5 people together like few other wildlife species such that, in
6 February 2014, the United States, Mexico, and Canada joined
7 efforts to ensure monarch butterfly recovery.

8 (b) Monarch butterfly populations have declined significantly
9 in the past 20 years to where the eastern population has lost 90
10 percent of historical numbers and the western population has
11 shrunk to 50 percent of historical numbers. California is the only
12 state to host significant numbers of overwintering monarch
13 butterflies.

14 (c) While adult butterflies may obtain nectar from many different
15 plants, monarch caterpillars can only survive when native milkweed
16 plants are available for food. Of the 72 native milkweed species
17 in the United States, several exist in California, including six that
18 are endemic.

19 (d) Milkweed habitat and density have declined significantly
20 in the eastern United States, and it is suspected that they have also
21 declined in the West. This has negatively impacted monarch
22 butterflies as well as native bees, ~~honey bees~~, *honeybees*, and other
23 beneficial insects, including insect predators of crop pests.

24 (e) Since nearly one-third of the most promising California
25 winter habitat for monarch butterflies is on privately owned land,
26 collaboration with landowners is critical. Fortunately, many
27 landowners are some of the strongest advocates for protecting and
28 restoring overwintering and breeding habitat for the monarch
29 butterfly.

30 (f) Current environmental protection laws, including those
31 concerning conservation ~~and land use~~ planning, have not
32 adequately protected monarch butterflies, creating a need for
33 additional collaborative ~~restoration~~ measures.

34 (g) While several federal agencies, including the Natural
35 Resource Conservation Service, the Farm Service Agency, the
36 United States Forest Service, the United States Fish and Wildlife
37 Service, and the Federal Highway Administration, are undertaking
38 initiatives to protect and restore monarch butterflies, California

1 needs to take additional initiatives to guide and support monarch
2 butterfly conservation.

3 (h) Numerous public and private research entities and
4 nongovernmental organizations are undertaking research and
5 gathering information that could significantly contribute to
6 California’s efforts to protect and conserve monarch butterflies.

7 SEC. 2. Section 1021 is added to the Fish and Game Code, to
8 read:

9 1021. (a) The department may take *feasible* actions to conserve
10 monarch butterflies and the unique habitats they depend upon for
11 successful migration. These actions may include, but are not limited
12 to, habitat restoration on department lands, education programs,
13 and voluntary agreements with private landowners.

14 (b) The department may partner with federal agencies, nonprofit
15 organizations, academic programs, private landowners, and other
16 entities that undertake actions to conserve monarch butterflies and
17 aid their successful migration, including the Monarch Joint
18 Venture.

19 (c) When undertaking actions to conserve monarch butterflies
20 and their habitats pursuant to this ~~section or other authority~~, *section*,
21 the department shall use the best available science and consider,
22 ~~as appropriate~~, *appropriate and feasible*, all of the following:

23 (1) Restoring or revegetating monarch caterpillar habitat using
24 regionally or locally appropriate native milkweed species.

25 (2) Restoring or revegetating adult monarch butterfly habitat
26 using regionally or locally appropriate native nectar plant species.

27 (3) Controlling nonnative weed species that threaten native
28 milkweed ~~species~~ *species, and controlling pests and disease*, using
29 current best management practices consistent with integrated pest
30 management principles that pose low risk to monarch butterflies
31 and their habitat.

32 (4) Incorporating diverse tree species, structures, and
33 arrangements when restoring or establishing winter habitat sites
34 to match monarch butterfly preferences for temperature, light,
35 moisture, wind, and other microclimate characteristics.

36 ~~(5) Controlling pests and disease in monarch butterfly habitat~~
37 ~~using natural biological measures and alternative nonspray weed~~
38 ~~management strategies.~~

39 (6)

1 (5) Increasing the number of partnerships and making the most
2 of partnerships to use residential and institutional landscaped areas,
3 agricultural noncropped lands, transportation corridors, and
4 conservation easements to create, restore, or enhance monarch
5 butterfly habitat.

6 *(d) The fact that a project applicant or land owner does not*
7 *enter into a voluntary agreement to protect monarch butterflies*
8 *shall not be grounds for denying a permit or agreement or*
9 *requiring additional mitigation beyond what would be required*
10 *to mitigate project impacts under other applicable laws, including,*
11 *but not limited to, the California Environmental Quality Act*
12 *(Division 13 (commencing with Section 21000) of the Public*
13 *Resources Code).*