

Assembly Bill No. 559

CHAPTER 478

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

[Approved by Governor October 4, 2015. Filed with
Secretary of State October 4, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 559, 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.

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

SECTION 1. The Legislature hereby finds and declares the following:

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

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

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

(d) Milkweed habitat and density have declined significantly in the eastern United States, and it is suspected that they have also declined in the West. This has negatively impacted monarch butterflies as well as native bees,

honeybees, and other beneficial insects, including insect predators of crop pests.

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

(f) Current environmental protection laws, including those concerning conservation planning, have not adequately protected monarch butterflies, creating a need for additional collaborative measures.

(g) While several federal agencies, including the Natural Resource Conservation Service, the Farm Service Agency, the United States Forest Service, the United States Fish and Wildlife Service, and the Federal Highway Administration, are undertaking initiatives to protect and restore monarch butterflies, California needs to take additional initiatives to guide and support monarch butterfly conservation.

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

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

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

(b) The department may 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.

(c) When undertaking actions to conserve monarch butterflies and their habitats pursuant to this section, the department shall use the best available science and consider, as appropriate and feasible, all of the following:

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

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

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

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

(5) Increasing the number of partnerships and making the most of partnerships to use residential and institutional landscaped areas, agricultural

noncropped lands, transportation corridors, and conservation easements to create, restore, or enhance monarch butterfly habitat.

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

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