

ASSEMBLY BILL

No. 1845

Introduced by Assembly Member Dahle

February 9, 2016

An act to amend Section 5515 of, and to add Section 2081.4 to, the Fish and Game Code, relating to fish.

LEGISLATIVE COUNSEL'S DIGEST

AB 1845, as introduced, Dahle. Protected species: take: rough sculpin.

Existing law prohibits the taking or possession of any fully protected fish, except as provided, and designates the rough sculpin as a fully protected fish. The California Endangered Species Act prohibits the taking of an endangered or threatened species, except as specified. The Department of Fish and Wildlife may authorize the take of listed species if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated.

This bill would permit the department to authorize, under the California Endangered Species Act, the take of the rough sculpin (*Cottus asperimus*) resulting from impacts attributable to repairing the Spring Creek Bridge in the County of Shasta if certain conditions are satisfied.

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 finds and declares as follows:
- 2 (a) The Spring Creek Bridge at Fall River is an old, 150 foot
- 3 long multispan wood structure that is constantly exposed to water

1 and in a constant state of decay requiring significant and ongoing
2 maintenance.

3 (b) The bridge provides access to ranches, residences, and
4 United States Forest Service lands. If the existing Spring Creek
5 Bridge fails, traffic will be detoured on to United States Forest
6 Service roads and private, unpaved roads that may be impassable
7 in winter months.

8 (c) In order to maintain access to these lands, the County of
9 Shasta must be authorized to take the rough sculpin to replace the
10 Spring Creek Bridge at Fall River.

11 SEC. 2. Section 2081.4 is added to the Fish and Game Code,
12 to read:

13 2081.4. (a) The department may authorize, under this chapter,
14 the take of the rough sculpin (*Cottus asperrimus*) resulting from
15 impacts attributable to repairing the Spring Creek Bridge in the
16 County of Shasta, if all of the following conditions are satisfied:

17 (1) The requirements of subdivisions (b) and (c) of Section 2081
18 are satisfied for the take of the rough sculpin.

19 (2) The department ensures that all further measures necessary
20 to satisfy the conservation standard of subdivision (d) of Section
21 2805 are incorporated into the project.

22 (b) This section shall not be construed to exempt the project
23 described in subdivision (a) from any other law.

24 SEC. 3. Section 5515 of the Fish and Game Code is amended
25 to read:

26 5515. (a) (1) Except as provided in this section, *Section*
27 *2081.4*, Section 2081.6, Section 2081.7, or Section 2835, a fully
28 protected fish may not be taken or possessed at any time. No
29 provision of this code or any other law shall be construed to
30 authorize the issuance of a permit or license to take a fully
31 protected fish, and no permit or license previously issued shall
32 have force or effect for that purpose. However, the department
33 may authorize the taking of a fully protected fish for necessary
34 scientific research, including efforts to recover fully protected,
35 threatened, or endangered species. Before authorizing the take of
36 a fully protected fish, the department shall make an effort to notify
37 all affected and interested parties to solicit information and
38 comments on the proposed authorization. The notification shall
39 be published in the California Regulatory Notice Register and be
40 made available to each person who has notified the department,

1 in writing, of his or her interest in fully protected species and who
2 has provided an email address, if available, or postal address to
3 the department. Affected and interested parties shall have 30 days
4 after notification is published in the California Regulatory Notice
5 Register to provide relevant information and comments on the
6 proposed authorization.

7 (2) As used in this subdivision, “scientific research” does not
8 include an action taken as part of specified mitigation for a project,
9 as defined in Section 21065 of the Public Resources Code.

10 (3) A legally imported fully protected fish may be possessed
11 under a permit issued by the department.

12 (b) The following are fully protected fish:

13 (1) Colorado River squawfish (*Ptychocheilus lucius*).

14 (2) Thicktail chub (*Gila crassicauda*).

15 (3) Mohave chub (*Gila mohavensis*).

16 (4) Lost River sucker (*Catostomus luxatus*).

17 (5) Modoc sucker (*Catostomus microps*).

18 (6) Shortnose sucker (*Chasmistes brevirostris*).

19 (7) Humpback sucker (*Xyrauchen texanus*).

20 (8) Owens River pupfish (*Cyprinoden radiosus*).

21 (9) Unarmored threespine stickleback (*Gasterosteus aculeatus*
22 *williamsoni*).

23 (10) Rough sculpin (*Cottus asperrimus*).