

ASSEMBLY BILL

No. 2087

Introduced by Assembly Member Levine

February 17, 2016

An act to add Article 4 (commencing with Section 2090) to Chapter 1.5 of Division 3 of the Fish and Game Code, relating to fish and wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 2087, as introduced, Levine. Regional conservation frameworks.

Existing law establishes the Department of Fish and Wildlife in the Natural Resources Agency. Under existing law, the department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species.

This bill would authorize the department to prepare or approve, and to adopt and amend, a regional conservation framework that identifies wildlife and habitat conservation needs, guides investments in conservation, infrastructure planning, and compensatory mitigation for impacts to natural resources, and informs infrastructure planning, land use planning, and the design and implementation of public and private projects that affect the condition of species and resources under the jurisdiction of the department. The bill would authorize a conservation action implemented in accordance with an approved regional conservation framework, to be used to fulfill, in whole or in part, compensatory mitigation requirements for impacts to covered species, habitat, and other natural resources, as provided.

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. Article 4 (commencing with Section 2090) is
2 added to Chapter 1.5 of Division 3 of the Fish and Game Code, to
3 read:

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Article 4. Regional Conservation Frameworks

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2090. The Legislature finds and declares that there is a need
8 to identify wildlife and habitat conservation needs at a regional
9 scale, including actions needed to address the impacts of climate
10 change and other wildlife stressors, in order to guide investments
11 in conservation, infrastructure planning, and compensatory
12 mitigation for impacts to natural resources, including impacts to
13 threatened and endangered species, other sensitive species, natural
14 communities, ecological processes, and wildlife corridors.

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2091. The department may prepare or approve, and may adopt
16 and amend, regional conservation frameworks to do all of the
17 following:

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(a) Identify wildlife and habitat conservation needs, including
19 actions needed to address the impacts of climate change and other
20 wildlife stressors.

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(b) Guide investments in conservation, infrastructure planning,
22 and compensatory mitigation for impacts to natural resources,
23 including impacts to threatened and endangered species, other
24 sensitive species, natural communities, ecological processes, and
25 wildlife corridors.

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(c) Inform infrastructure planning, land use planning, and the
27 design and implementation of public and private projects that affect
28 the condition of species and resources under the jurisdiction of the
29 department.

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2092. A regional conservation framework shall include both
31 of the following:

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(a) A regional assessment that establishes conservation priorities
33 at a regional scale based on habitat, ecological processes, and
34 connectivity values.

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(b) One or more implementation plans that establish
36 conservation goals and objectives based on a regional assessment
37 and identify implementation strategies to achieve some or all of
38 the goals and objectives. The purpose of an implementation plan

1 is to guide investments in conservation, infrastructure planning,
2 and compensatory mitigation for impacts to natural resources. An
3 implementation plan may cover some or all of the area included
4 in a regional assessment.

5 2093. (a) A conservation action implemented in accordance
6 with an approved regional conservation framework may be used
7 to fulfill, in whole or in part, compensatory mitigation requirements
8 for impacts to covered species and habitat, and other natural
9 resources, as provided in subdivision (b). To be used for
10 compensatory mitigation, the conservation action shall be
11 implemented in advance of the impacts.

12 (b) (1) A conservation action may be used to fulfill, in whole
13 or in part, compensatory mitigation requirements set forth in a
14 permit issued pursuant to subdivision (b) of Section 2081 if the
15 department determines that the conservation action provides
16 suitable mitigation for the impacts of taking authorized under the
17 permit.

18 (2) A conservation action may be used to fulfill, in whole or
19 in part, compensatory mitigation requirements established by any
20 state or local agency pursuant to the California Environmental
21 Quality Act (Division 13 (commencing with Section 21000) of
22 the Public Resources Code), if the agency determines that the
23 conservation action provides suitable mitigation for the potential
24 environmental impacts of a proposed project, as identified in an
25 environmental impact report or a mitigated negative declaration
26 prepared for the project.