

ASSEMBLY BILL

No. 981

Introduced by Assembly Member Ducheny
(Coauthor: Senator Sher)

February 25, 1999

An act to amend Section 2805 of, and to add Section 2841 to, the Fish and Game Code, relating to endangered species.

LEGISLATIVE COUNSEL'S DIGEST

AB 981, as introduced, Ducheny. Natural community conservation plans: endangered species.

Existing law establishes the Natural Community Conservation Planning Act. Under that act, the Fish and Game Commission, upon recommendation from the Department of Fish and Game, may authorize the taking of any candidate species whose conservation, protection, restoration, and enhancement is provided for in a department-approved natural community conservation plan, as specified.

Under the existing California Endangered Species Act, the commission is required to establish a list of candidate species along with a list of endangered species and a list of threatened species. The act defines candidate species for purposes of the act to mean, a native species or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of endangered species or the list of threatened species, or a species for which the commission has

published a notice of proposed regulation to add the species to either list.

This bill would provide that for purposes of the Natural Community Conservation Planning Act, the phrase “candidate species” has the same meaning as defined under the California Endangered Species Act.

The bill would authorize the department, upon appropriation by the Legislature, to expend funds for the acquisition of land necessary to implement a natural community conservation plan or any other multispecies habitat conservation plan if specified conditions are met.

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 2805 of the Fish and Game Code
2 is amended to read:

3 2805. The definitions in this section govern the
4 construction of this chapter.

5 (a) “*Candidate species*” has the same meaning as
6 defined in Section 2068.

7 (b) “Natural community conservation plan” means
8 the plan prepared pursuant to an agreement entered into
9 in accordance with ~~subdivision (a) of~~ Section 2810. The
10 plan identifies and provides for the regional or areawide
11 protection and perpetuation of natural wildlife diversity,
12 while allowing compatible and appropriate development
13 and growth.

14 ~~(b) Wildlife has the same meaning as defined in~~
15 ~~Section 711.2.~~

16 (c) “Person” has the same meaning as defined in
17 Section 711.2.

18 ~~(d) Wildlife~~ “*Wildlife*” has the same meaning as
19 defined in Section 711.2.

20 SEC. 2. Section 2841 is added to the Fish and Game
21 Code, to read:

22 2841. (a) The department, upon appropriation by
23 the Legislature, may expend funds for the acquisition of
24 land necessary to implement a natural community



1 conservation plan or any other multispecies habitat
2 conservation plan if all of the following conditions are
3 met:

4 (1) The funds are only spent for acquisition of land that
5 contributes to the recovery of one or more threatened
6 species, or protects habitat critical to reducing the
7 decline of one or more wildlife species that are not listed
8 pursuant to Chapter 1.5 (commencing with Section
9 2050).

10 (2) The funds are not used for acquisition of land that
11 is otherwise required to be preserved as a condition of any
12 lease, permit, or other entitlement of use issued by a
13 public agency pursuant to any state or federal
14 environmental law or regulation. This limitation does not
15 apply to an acquisition that also includes the purchase of
16 land that would have been developed or otherwise
17 modified under the respective lease, permit, or other
18 entitlement.

19 (3) The funds are only spent for acquisition of parcels
20 of land when there are specific agreements, contracts, or
21 commitments that ensure the perpetual preservation of
22 the parcel to be acquired. This limitation does not
23 preclude the provision of compatible public access to the
24 acquired parcel of land.

25 (b) Nothing in this section precludes the purchase of
26 land using funds for any purpose other than the
27 implementation of a natural community conservation
28 plan or other multispecies habitat conservation plan if
29 that land is not considered as part of any mitigation or
30 habitat reserve requirement necessary for obtaining a
31 permit pursuant to Chapter 1.5 (commencing with
32 Section 2050), or as part of any mitigation measures
33 required for a project subject to the California
34 Environmental Quality Act (Division 13 (commencing
35 with Section 21000) of the Public Resources Code).

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