

AMENDED IN SENATE AUGUST 22, 2000
AMENDED IN SENATE AUGUST 7, 2000
AMENDED IN ASSEMBLY APRIL 10, 2000
AMENDED IN ASSEMBLY MARCH 30, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2379

Introduced by Assembly Member Keeley

February 24, 2000

An act to amend Section 2825 of the Fish and Game Code, ~~and to add Section 30411.5 to the Public Resources Code,~~ relating to natural community conservation planning, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2379, as amended, Keeley. Natural Community Conservation Planning.

(1) The existing Natural Community Conservation Planning Act authorizes the Department of Fish and Game to prepare nonregulatory guidelines for the development and implementation of natural community conservation plans.

This bill would require the department to prepare and submit to the Legislature, every 3 years, commencing January 1, 2002, a report on the functioning and effectiveness of the Natural Community Conservation Planning Act, the plans underway or in the process of review, and the impact of science on those plans.

~~(2) Existing law requires the department to approve the implementation of any natural community conservation plan undertaken by local, state, or federal agencies.~~

~~This bill would require the California Coastal Commission to review and approve, as a local coastal program, any portion of a natural community conservation plan applicable to a habitat area that is located in whole, or in part, in the coastal zone.~~

~~(3) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department to carry out the Fish and Game Code.~~

By imposing new duties on the department, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 2825 of the Fish and Game Code
2 is amended to read:

3 2825. (a) The department may prepare
4 nonregulatory guidelines for the development and
5 implementation of natural community conservation
6 plans. The guidelines are exempt from Chapter 3.5
7 (commencing with Section 11340) of Part 1 of Division 3
8 of Title 2 of the Government Code. The guidelines may
9 include, but are not limited to, all of the following:

10 (1) Defining the scope of a conservation planning
11 area.

12 (2) Determining conservation standards, guidelines,
13 and objectives for the planning area.

14 (3) Appointing one or more advisory committees to
15 review and make recommendations regarding the
16 preparation and implementation of natural community
17 conservation plans. The advisory committee membership
18 may include representation from the local community
19 near the plan area and shall include persons with
20 appropriate scientific credentials, as determined by the
21 department.



1 (4) Coordinating with local, state, and federal
2 agencies, including the Trade and Commerce Agency,
3 the National Marine Fisheries Service, and the United
4 States Fish and Wildlife Service.

5 (5) Incorporating public input.

6 (6) Ensuring compatibility with the federal
7 Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et
8 seq.).

9 (7) Obtaining approval of the natural community
10 conservation plan by the department.

11 (8) Provisions for implementation of the plan.

12 (9) Monitoring and reporting on plan
13 implementation.

14 (10) Amending the plan consistent with the initial
15 intent of the plan.

16 (b) Nothing in this chapter exempts projects proposed
17 in a natural community conservation planning area from
18 the requirements of the California Environmental
19 Quality Act (Division 13 (commencing with Section
20 21000) of the Public Resources Code).

21 (c) Natural community conservation plans, as
22 appropriate, shall be implemented pursuant to Section
23 2081.

24 (d) To the extent practicable, implementation of
25 natural community conservation plans shall use the
26 services of either the California Conservation Corps or
27 local community conservation corps.

28 (e) The department shall prepare and submit to the
29 Legislature, commencing January 1, 2002, and every
30 three years thereafter, a report on the functioning and
31 effectiveness of the Natural Community Conservation
32 Planning Act. The report shall enumerate the natural
33 community conservation plans underway or in the
34 process of review in this state and shall review the impact
35 of science on the development of those plans.

36 (f) The department, within the contents of the report
37 required by subdivision (e), shall define appropriate
38 biological baselines and benchmarks necessary for the
39 department to determine the effectiveness of a natural
40 community conservation plan. For natural community



1 conservation plans already underway, the report shall
2 provide the status in achieving the defined baselines and
3 benchmarks.

4 ~~(g) In conducting this review, the department shall
5 evaluate the role, if any, that Department of Defense
6 lands play in natural community conservation plans, and
7 determine whether natural community conservation
8 plans are sufficiently protecting resources of concern
9 independent of Department of Defense lands.~~

10 SEC. 2. Section 30411.5 is added to the Public
11 Resources Code, to read:

12 30411.5. ~~(a) The California Coastal Commission shall
13 be an active participant in the any multispecies,
14 multiagency, habitat conservation plan prepared
15 pursuant to the goals, policies, and requirements of
16 Article 1 (commencing with Section 2050) of, and Article
17 3 (commencing with Section 2800) of, Chapter 10 of
18 Division 3 of the Fish and Game Code, with respect to
19 those plans or portions of plans located wholly or in part
20 in the coastal zone.~~

21 ~~(b) After a natural community conservation plan,
22 habitat conservation plan, or other similar multiagency,
23 multispecies habitat conservation plan has been
24 approved by the Department of Fish and Game, that
25 portion of the plan applicable to a habitat area located in
26 whole or in part in the coastal zone, as defined in Section
27 30103, shall be submitted to the commission as a local
28 coastal program amendment for review and approval
29 consistent with the policies of Chapter 3 (commencing
30 with Section 30200).~~

