

ASSEMBLY BILL

No. 1956

Introduced by Assembly Member Monning

February 17, 2010

An act to amend Section 1502 of, and to add Section 1502.5 to, the Fish and Game Code, and to amend Section 19348 of the Food and Agriculture Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1956, as introduced, Monning. California condors: feeding.

Existing law authorizes the Department of Fish and Game, in accordance with policies established by the Fish and Game Commission, to provide for the feeding of game birds, mammals, or fish when natural foods for those animals are not available and to provide suitable feeding areas.

This bill would expand that feeding authorization to also allow the feeding of birds other than game birds. The bill would require, if the department enters into a memorandum of understanding with participants in a condor preservation program to allow for the feeding of free-ranging California condors, that the terms of the memorandum of understanding be consistent with prescribed guidelines for feed animals and feeding sites. The bill would require the department to revise any term of a memorandum of understanding in effect on January 1, 2011, that is inconsistent with those guidelines.

Existing law generally prohibits the transport of dead animals to any place other than prescribed locations, except under certain circumstances, including transport pursuant to prescribed waivers or permits.

This bill would exempt the department from that transport prohibition when engaged in providing food for free-ranging California condors pursuant to the bill.

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 1502 of the Fish and Game Code is
2 amended to read:

3 1502. The department, in accordance with policies established
4 by the commission, may provide for the feeding of ~~game~~ birds,
5 mammals, or fish ~~at such times as when~~ natural foods ~~therefor~~ for
6 ~~those birds, mammals, or fish~~ are not available, and may provide
7 suitable area or areas for ~~such that~~ feeding, ~~and may for those~~
8 ~~purposes expend such money as is necessary from the Fish and~~
9 ~~Game Preservation Fund.~~

10 SEC. 2. Section 1502.5 is added to the Fish and Game Code,
11 to read:

12 1502.5. (a) If the department enters into a memorandum of
13 understanding with participants in a condor preservation program
14 to allow for the feeding of free-ranging California condors under
15 Section 1502, the terms of the memorandum of understanding shall
16 be consistent with the following guidelines:

17 (1) The following animals may be used to feed free-ranging
18 California condors:

19 (A) Livestock animals from dairies or other livestock operations,
20 if the animals are euthanized by shooting with nonlead ammunition
21 or die from natural causes.

22 (B) Wildlife killed by traffic on state highways and collected
23 by the Department of Transportation.

24 (C) Animals that die from natural causes on private property,
25 if transported to the feeding site by the landowner.

26 (2) A feeding site for California condors shall be located as
27 follows:

28 (A) A safe distance from nearby hazards, including, but not
29 limited to, turbines or overhead wires.

30 (B) On properties of 100 acres or more, with a setback of
31 one-half mile from the property line.

1 (C) On a hill or knoll predominately covered by grass and not
2 under a tree canopy or within 100 feet of a stream, lake, or other
3 body of water.

4 (D) Within, or adjacent to, the current range of the California
5 condor or within an area subject to an effort to reintroduce the
6 California condor.

7 (b) In preparing the memorandum of understanding pursuant
8 to subdivision (a), the department may work in conjunction with
9 the State Veterinarian.

10 (c) The department shall revise any term of a memorandum of
11 understanding in effect on January 1, 2011, that is inconsistent
12 with the guidelines in subdivision (a) to conform to those
13 guidelines.

14 SEC. 3. Section 19348 of the Food and Agricultural Code is
15 amended to read:

16 19348. (a) Unless a waiver is granted by the State Veterinarian
17 in conjunction with implementation of Section 9562 or a
18 declaration of a state of emergency or local emergency, as defined
19 in subdivisions (b) and (c) of Section 8558 of the Government
20 Code, pursuant to the California Emergency Services Act (Chapter
21 7 (commencing with Section 8550) of Division 1 of Title 2 of the
22 Government Code), ~~no~~ a dead animal hauler or any other person
23 shall *not* transport any dead animal to any place, other than to a
24 licensed rendering plant, a licensed collection center, an animal
25 disease diagnostic laboratory acceptable to the department, the
26 nearest crematory, or to a destination in another state that has been
27 approved for that purpose by the appropriate authorities in that
28 state.

29 (b) The secretary may issue a master or individual permit to a
30 licensed renderer, collection center, or dead animal hauler for the
31 purpose of authorizing transport of a dead animal to an
32 appropriately permitted landfill under either of the following
33 circumstances:

34 (1) During a proclaimed state of emergency or local emergency,
35 as defined in subdivisions (b) and (c) of Section 8558 of the
36 Government Code.

37 (2) When the licensed hauler has certification from a licensed
38 renderer; that the licensed renderer cannot process the dead animal
39 due to operational conditions or legal or regulatory requirements
40 or constraints. The certification shall be in a form approved by the

1 department and, for purposes of this paragraph, “licensed hauler”
2 shall include licensed collection centers and renderers.

3 (c) Nothing in this section shall be interpreted to conflict with
4 any state or federal environmental or zoning law, or to prohibit an
5 owner of a live animal from burying the animal on the owner’s
6 property after the animal dies if the burial is within three miles of
7 where the animal died.

8 (d) Subdivision (a) does not apply to the Department of
9 Transportation or to local agencies having jurisdiction over a road
10 or highway when engaged in removing animal carcasses from the
11 road or highway.

12 (e) *Subdivision (a) does not apply to the Department of Fish*
13 *and Game when engaged in providing food for free-ranging*
14 *California condors pursuant to Section 1502 of the Fish and Game*
15 *Code.*