

AMENDED IN ASSEMBLY MARCH 16, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1956**

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**Introduced by Assembly Member Monning**

February 17, 2010

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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 Agricultural Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 1956, as amended, 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, *and feeding that aids the recovery of a threatened or endangered species*. 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 birds, mammals,  
5 or fish when natural foods for those birds, mammals, or fish are  
6 not available, *or if feeding aids the recovery of a threatened or*  
7 *endangered species*, and may provide suitable area or areas for  
8 that feeding, *and may for those purposes expend money as*  
9 *necessary from the Fish and 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~~ *all of the following*:

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

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

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

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

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

12 *(c) In preparing the memorandum of understanding pursuant*  
13 *to subdivision (a), the department shall work in conjunction with*  
14 *federal agencies that work to preserve the California condor.*

15 (e)

16 (d) The department shall revise any term of a memorandum of  
17 understanding in effect on January 1, 2011, that is inconsistent  
18 with the guidelines in subdivision (a) to conform to those  
19 guidelines.

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

22 19348. (a) Unless a waiver is granted by the State Veterinarian  
23 in conjunction with implementation of Section 9562 or a  
24 declaration of a state of emergency or local emergency, as defined  
25 in subdivisions (b) and (c) of Section 8558 of the Government  
26 Code, pursuant to the California Emergency Services Act (Chapter  
27 7 (commencing with Section 8550) of Division 1 of Title 2 of the  
28 Government Code), a dead animal hauler or any other person shall  
29 not transport any dead animal to any place, other than to a licensed  
30 rendering plant, a licensed collection center, an animal disease  
31 diagnostic laboratory acceptable to the department, the nearest  
32 crematory, or to a destination in another state that has been  
33 approved for that purpose by the appropriate authorities in that  
34 state.

35 (b) The secretary may issue a master or individual permit to a  
36 licensed renderer, collection center, or dead animal hauler for the  
37 purpose of authorizing transport of a dead animal to an  
38 appropriately permitted landfill under either of the following  
39 circumstances:

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

4 (2) When the licensed hauler has certification from a licensed  
5 renderer that the licensed renderer cannot process the dead animal  
6 due to operational conditions or legal or regulatory requirements  
7 or constraints. The certification shall be in a form approved by the  
8 department and, for purposes of this paragraph, “licensed hauler”  
9 shall include licensed collection centers and renderers.

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

15 (d) Subdivision (a) does not apply to the Department of  
16 Transportation or to local agencies having jurisdiction over a road  
17 or highway when engaged in removing animal carcasses from the  
18 road or highway.

19 (e) Subdivision (a) does not apply to the Department of Fish  
20 and Game when engaged in providing food for free-ranging  
21 California condors pursuant to Section 1502 of the Fish and Game  
22 Code.