**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

May 18, 1993

To: Board of Directors (Executive Committee--Information)
 (Special Committee on Legislation--Information)

From: General Manager

Subject: Senate Bill No. 658 (Deddeh): Recovery plans for endangered species

Report

Senate Bill 658 would require the Department of Fish and Game to commence preparation of a recovery plan and make progress toward the completion of that plan while a species is designated as a candidate endangered species and prior to final action of the Fish and Game Commission to list that species as endangered. The bill would require the Department of Fish and Game to prepare the recovery plan by means of a collaborative process with directly affected parties. Directly affected parties may include the Resources Agency, the Department of Fish and Game, local affected communities, agriculture, and industry.

The effect of the bill would be to delay listing of candidate species while the recovery plan is prepared. Candidate species are given protection equal to endangered species under the existing Fish and Game Code if notice is given as required by the Code. Affected property owners would need to participate in the collaborative process to ensure that their interests are fully considered in development of the recovery plan and designation of recovery areas. While the mandate for a collaborative process ensures an open process on the part of the Department of Fish and Game, it will likely also complicate and delay resolution of issues by an affected property owner.

Staff recommends that Metropolitan watch this bill at this time, without supporting or opposing it.

Board Committee Assignments

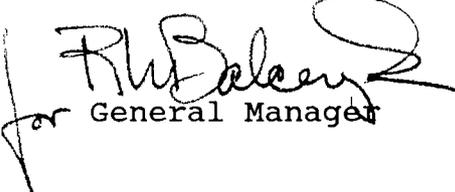
This letter is referred for information to:

The Executive Committee because of its jurisdiction over legislation sponsored by the District or in any way affecting the District, pursuant to Administrative Code Section 2417 (a); and

The Special Committee on Legislation because of its authority to study, advise, and make recommendations with regard to State or federal legislation.

Recommendation

For information only.


for General Manager

KMK/dgs

s:Board/20

AMENDED IN SENATE MAY 19, 1993

AMENDED IN SENATE MAY 4, 1993

SENATE BILL

No. 658

Introduced by Senator Deddeh

March 2, 1993

An act to add and repeal Sections 2072.4 and 2072.5 of the Fish and Game Code, relating to endangered species.

LEGISLATIVE COUNSEL'S DIGEST

SB 658, as amended, Deddeh. Endangered species: recovery plans.

Existing law requires that, after a petition is accepted by the Fish and Game Commission for consideration of a species for listing as a threatened species or as an endangered species, the status of the candidate species on the petition be reviewed by the Department of Fish and Game. Existing law requires the department to provide a written report to the commission and the commission is required to schedule the petition for final consideration.

This bill would, until January 1, 1998, ~~authorize~~ require the commission to direct the department to conduct a collaborative phase during a species candidacy period upon request of a directly affected party, as described. That phase would require a working group, as described, to review specified items relating to the candidate species. The bill would, until January 1, 1998, require the department to commence the preparation of, and make progress toward completion of, a recovery plan of specified content for the species proposed for listing during the period of candidacy and before final action by the commission.

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

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

1 SECTION 1. The Legislature finds and declares that
2 the state has an obligation to protect and enhance its
3 threatened and endangered native species and
4 subspecies pursuant to the California Endangered
5 Species Act, Chapter 1.5 (commencing with Section
6 2050) of Division 3 of the Fish and Game Code. The
7 Legislature further finds that this process, when
8 appropriate, should be as collaborative as possible and
9 involve all appropriate interests, since protection of the
10 state's native species and subspecies has an impact upon
11 the Resources Agency, the Department of Fish and
12 Game, local affected communities, agriculture, and
13 industry within California.

14 The Legislature further finds that to ensure that efforts
15 to recover the populations of these threatened and
16 endangered native species and subspecies can be
17 accomplished, recovery activities shall be identified and
18 carried out by the Department of Fish and Game.

19 SEC. 2. Section 2072.4 is added to the Fish and Game
20 Code, to read:

21 2072.4. (a) The commission ~~may~~ *shall* direct the
22 department to conduct a collaborative phase during a
23 species candidacy period.

24 (b) A directly affected party ~~shall~~ *may* request the
25 commission to undertake the collaborative phase. *The*
26 *collaborative phase shall proceed only after the*
27 *department has contacted any directly affected parties. If*
28 *a majority of those parties do not support the request, this*
29 *phase shall not be initiated.* A directly affected party is,
30 the petitioner or a directly impacted interested party.

31 (c) ~~If~~ *When* the collaborative phase is initiated by the
32 department at the direction of the commission, it shall be
33 designated by the species under candidacy followed by
34 the words "Working Group." *To the extent possible, the*
35 *working group shall be composed of directly affected*
36 *parties who support or oppose adding or removing a*
37 *species from the list of endangered or threatened species.*
38 *The working group shall not be disproportionately*

1 *representative of either viewpoint.*

2 (d) The commission shall ~~evaluate the merit of a~~
3 ~~request to~~ undertake a collaborative phase with respect
4 to a species solely on the basis that a working group would
5 advance the purposes of this section. The working group ;
6 ~~composed of representative interests~~; shall collaborate on
7 the review of the biological data, identify a method of
8 working cooperatively with the affected interested
9 persons, and, additionally, develop more effective means
10 of providing notice to interested persons, recommend
11 acceptable ~~levels and conditions for incidental take~~
12 *actions pursuant to Sections 2081 and 2084*, and explore
13 innovative means to limit adverse economic impacts.

14 (e) A working group shall meet at least once. Any
15 recommendation made by the working group shall be
16 included in the report to the commission on a candidate
17 species and shall be considered by the commission
18 consistent with Section 2074.6.

19 (f) If the department finds that a working group
20 advances the purposes of this chapter, the department
21 may request the commission to continue that working
22 group after listing the species pursuant to this chapter.

23 (g) If, for any reason, a working group does not meet
24 or provide a recommendation, this failure shall not
25 prejudice the listing decision by the commission.

26 (h) The department may conduct all or part of the
27 activities required to be performed by the department
28 pursuant to Section 2074.6 concurrently with the
29 activities required to be performed by the department by
30 this section.

31 (i) This section shall remain in effect only until
32 January 1, 1998, and as of that date is repealed, unless a
33 later enacted statute, which is enacted before January 1,
34 1998, deletes or extends that date.

35 SEC. 3. Section 2072.5 is added to the Fish and Game
36 Code, to read:

37 2072.5. (a) The department shall commence the
38 preparation of a recovery plan and make progress toward
39 the completion of that plan during the period of
40 candidacy prior to final action by the commission

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1 pursuant to Section 2075.5. The recovery plan shall
2 include activities that will return the species to a viable
3 population and shall specify the estimated period of time
4 for that to occur.

5 (b) This section shall remain in effect only until
6 January 1, 1998, and as of that date is repealed, unless a
7 later enacted statute, which is enacted before January 1,
8 1998, deletes or extends that date.

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