



Express support if amended position on  
SB 62 (Dodd, D-Napa): Endangered Species:  
Accidental Take Associated with Routine and  
Ongoing Agricultural Activities

Communications and Legislation Committee  
Item 8-6

March 11, 2019

# Summary of SB 62, as amended February 25

- SB 62 would make permanent an exemption from California Endangered Species Act (CESA) for accidental take of endangered species
  - Resulting from acts that occur on a farm or ranch in course of otherwise lawful routine and ongoing agricultural activities
- Requires reporting of any accidental take
- Extends California State Safe Harbor Agreement Program Act (Safe Harbor Act) to January 1, 2024
- Sponsored by California Farm Bureau Federation

# Background

- CESA prohibits take of endangered species without statutory exemption or permit from CDFW
- Agricultural activity exemption adopted in 1997 to encourage farmers or ranchers to restore habitat for listed species
- Exemption extended over time and set to expire January 1, 2020
- Exception to exemption exists for certain types of fish species, including listed Delta fish
- Currently, no reporting requirements and no data on use or impacts on endangered species

# Background (cont'd)

- Safe Harbors Act set to expire January 1, 2020
- Encourages non-federal landowners to voluntarily preserve and enhance habitat that contributes to recovery of CESA-listed species
- This is positive aspect of SB 62, consistent with Board policy to support legislation that makes permitting more flexible

# Analysis of SB 62

- If accidental agricultural take is significant, more species may be listed, or listed species may decline, increasing regulatory burdens on others
- No data exists on impact of take by agricultural activities of listed species — including terrestrial animals, birds, fish, or plants

# Analysis of SB 62 (cont'd)

- Exemption language is ambiguous
- Applies to any accidental take that occurs “on a farm or ranch in the course of otherwise lawful routine and ongoing agricultural activities”
- May include actions by public agencies, which may be inconsistent with legislative intent

# Staff Recommendation

- Seek amendments to limit exemption to another five years
  - Allow for collection of more data on impacts to other types of species
  - Work with stakeholders on additional revisions
- Seek amendments to limit agricultural exemption to exclude actions by public agencies, including irrigation and reclamation districts

# Options

- Option #1
  - Express support if amended on SB 62
- Option #2
  - Express opposition to SB 62

# Recommended Action

- Option #1

