



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

SB-1231 Endangered species: take: Santa Cruz long-toed salamander. (2019-2020)

SHARE THIS:  

Date Published: 09/30/2020 09:00 PM

Senate Bill No. 1231

CHAPTER 237

An act to amend Section 5050 of, and to add Section 2081.5 to, the Fish and Game Code, relating to endangered species.

[Approved by Governor September 28, 2020. Filed with Secretary of State September 28, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1231, Monning. Endangered species: take: Santa Cruz long-toed salamander.

The California Endangered Species Act prohibits the taking of an endangered or threatened species, except as specified. The act permits the Department of Fish and Wildlife to authorize, by permit, the take of listed species if the take is incidental to an otherwise lawful activity and the impacts are minimized and fully mitigated.

This bill would permit the department to authorize under the act, by permit, the take of the Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) resulting from impacts attributable to the construction along the State Route 156 corridor through Moro Cojo Slough in the County of Monterey for the purpose of enhancing safety and access, if certain conditions are satisfied. The bill would also provide that those conditions are subject to amendment if required by a certain monitoring program and adaptive management process. The bill would also make a related change.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 2081.5 is added to the Fish and Game Code, to read:

2081.5. (a) The department may authorize under this chapter, by permit, the take of the Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*) resulting from impacts attributable to the construction along the State Route 156 corridor through Moro Cojo Slough in the County of Monterey for the purpose of enhancing safety and access, if all of the following conditions are satisfied:

- (1) The requirements of subdivisions (b) and (c) of Section 2081 are satisfied for the take of the Santa Cruz long-toed salamander.
- (2) The department ensures that all further measures necessary to satisfy the conservation standard of subdivision (d) of Section 2805 are incorporated into the construction project.
- (3) The take authorization provides for the development and implementation, in cooperation with federal and state agencies, of a monitoring program and an adaptive management process until the department determines that any impacts resulting from

the construction project described in this subdivision have been fully mitigated.

(b) The conditions for the permit are subject to amendment if required by the monitoring program and the adaptive management process adopted pursuant to paragraph (3) of subdivision (a).

(c) This section shall not be construed to exempt the construction project described in subdivision (a) from any other law.

SEC. 2. Section 5050 of the Fish and Game Code is amended to read:

5050. (a) (1) Except as provided in this section, or Section 2081.5, 2081.7, 2081.9, 2081.12, or 2835, a fully protected reptile or amphibian may not be taken or possessed at any time. No provision of this code or any other law shall be construed to authorize the issuance of a permit or license to take a fully protected reptile or amphibian, and no permit or license previously issued shall have any force or effect for that purpose. However, the department may authorize the taking of a fully protected reptile or amphibian for necessary scientific research, including efforts to recover fully protected, threatened, or endangered species. Before authorizing the take of a fully protected reptile or amphibian, the department shall make an effort to notify all affected and interested parties to solicit information and comments on the proposed authorization. The notification shall be published in the California Regulatory Notice Register and be made available to each person who has notified the department, in writing, of that person's interest in fully protected species and who has provided an email address, if available, or postal address to the department. Affected and interested parties shall have 30 days after notification is published in the California Regulatory Notice Register to provide relevant information and comments on the proposed authorization.

(2) As used in this subdivision, "scientific research" does not include an action taken as part of specified mitigation for a project, as defined in Section 21065 of the Public Resources Code.

(3) A legally imported fully protected reptile or amphibian may be possessed under a permit issued by the department.

(b) The following are fully protected reptiles and amphibians:

(1) Blunt-nosed leopard lizard (*Gambelia sila*).

(2) San Francisco garter snake (*Thamnophis sirtalis tetrataenia*).

(3) Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*).

(4) Limestone salamander (*Hydromantes brunus*).

(5) Black toad (*Bufo boreas exsul*).