



The Wildlife Society - Western Section
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March 26, 2002

The Honorable Joseph Canciamilla, Chair
Assembly Committee on Water, Parks, and Wildlife
State Capitol, Room 6011
Sacramento, CA 95814

Subject: The Western Section of The Wildlife Society Comments on SB 550 relating to the repeal and addition of Section 2087 of the Fish and Game Code.

Dear Assemblyman Canciamilla and Members of the Committee:

The Western Section of The Wildlife Society is writing to oppose repeal of Fish and Game Code Section 2087 and the addition of new language relating to the accidental "take" of Threatened, Endangered, and Candidate species as a result of inadvertent, routine, and ongoing agricultural activities.

The Wildlife Society (TWS) is an international organization comprising professional wildlife biologists employed in the private and public sectors, natural resource management agencies, and academia. The Western Section currently consists of about 1,000 members in nine chapters in California, Nevada, Hawaii, and the Pacific Islands. Its goal is to enhance the capability of wildlife professionals in conserving natural diversity, sustaining productivity, and ensuring responsible use of wildlife resources for society's benefit. The principal objectives of TWS are to develop and promote sound stewardship of wildlife resources and of the environments on which wildlife and humans depend; take an active role in preventing human-induced environmental degradation; increase awareness and appreciation of wildlife values; and seek the highest standards in all activities of the wildlife profession.

As currently written, Fish and Game Code Section 2087 exempts "accidental take" of species listed under the California Endangered Species Act (CESA) if the take results from "...inadvertent or ordinary negligent acts that occur on a ranch or a farm in the course of otherwise lawful routine and ongoing agricultural activities...". In addition, Section 2087 currently contains a sunset clause ending the Section's effectiveness as of December 31, 2002. The current language specifies that agricultural activities must be inadvertent or result from ordinary negligence to qualify as exempt from CESA.

Proposed Fish and Game Code Section 2087 (SB 550) would remove the sunset clause and change the standard by which accidental take would be exempt from CESA by removing the terms "inadvertent" and "ordinary negligence". This would, in practice, lower the threshold for accidental take from agricultural activities and make legal the intentional destruction of

habitat for threatened, endangered, or candidate species.

The potential for impacts on species listed under CESA with passage of SB 550, especially in California's Central Valley, is significant. Loss of nearly 90% of native grasslands in the Central Valley has led to reliance on less suitable, but supporting agricultural lands for foraging and breeding. Many of these species populations have become highly fragmented and are currently declining or vulnerable to extinction from increased threats. Current agricultural activities most likely result in take of these species and proposed SB 550 may increase levels of take adding pressure to already declining populations. Threatened and endangered species whose populations would most likely be affected by passage of SB 550 include, but are not limited to:

Blunt-nosed leopard lizard (*Gambelia silus*)
Giant garter snake (*Thamnophis couchi gigas*)
San Joaquin kit fox (*Vulpes macrotis mutica*)
San Joaquin antelope squirrel (*Ammospermophilus nelsoni*)
Tipton's kangaroo rat (*Dipodomys nitratoides nitratoides*)
Fresno kangaroo rat (*Dipodomys nitratoides exilis*)
Mountain plover (*Charadrius montanus*)

The Western Section of the Wildlife Society recommends retaining language in SB 550 that may help reduce intentional destruction of agricultural lands supporting listed species and retain, and extend if necessary, the sunset clause. At a minimum, the terms "inadvertent" and "ordinary negligence" should be retained while addition of language specifically addressing intentional habitat destruction would considerably strengthen the bill.

Thank you for considering these comments. Please contact me to discuss our comments, answer questions related to our recommendations, or provide technical expertise to the Committee as required.

Sincerely,

Barrett A. Garrison
Past-President, The Wildlife Society - Western Section
