

Date of Hearing: June 25, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

SB 1163 (Dahle) – As Amended June 17, 2024

SENATE VOTE: 38-0

SUBJECT: Wildlife-vehicle collisions: wildlife salvage permits

SUMMARY: Makes various changes to existing authorization for the Department of Fish and Wildlife (DFW) and the California Fish and Game Commission (Commission) to implement wildlife-vehicle collision data collection and wildlife salvage pilot programs. Specifically, **this bill:**

- 1) Requires DFW to conclude the wildlife-vehicle collision data collection pilot program five years after the program starts.
- 2) Authorizes DFW to use information and data made available on the California Roadkill Observation System administered by University of California, Davis (UC Davis) for purposes of the wildlife-vehicle collision data pilot program.
- 3) Deletes the January 1, 2022 deadline that authorized the Commission to establish the wildlife salvage pilot program.
- 4) Deletes language qualifying DFW's authorized actions to implement the wildlife salvage pilot program (i.e., to the extent feasible or practicable).
- 5) Extends the sunset on the wildlife salvage pilot program until January 1, 2034.
- 6) Makes findings and declarations regarding wildlife and vehicle conflicts.

EXISTING LAW:

- 1) Declares that DFW, as a trustee agency for fish and wildlife resources, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species [Fish and Game Code (FGC) § 1802].
- 2) Prohibits the take (e.g., killing, possession, etc.) of a bird, mammal, fish, reptile, or amphibian except as provided by the FGC or its regulations. Possession of a game animal with hunting equipment is *prima facie* evidence that possessor took the animal (FGC § 2000).
- 3) Prohibits the take of a mammal, bird, fish, reptile, or amphibian outside of an established season and prohibits the take to exceed a designated possession limit (FGC § 2001).
- 4) Prohibits the take of a bird or mammal without a license or entitlement to do so (FGC § 3007).

- 5) Prohibits the shooting at any game bird or mammal, including a marine mammal, from a powerboat, sailboat, motor vehicle, or airplane (FGC § 3002).
- 6) Prohibits discharge of a weapon within 150 yards of an occupied house, except as specified, and prohibits the intentional discharge of a firearm across any public road or other established way that is open to the public in an unsafe and reckless manner (FGC § 3004; Penal Code § 374c).
- 7) Provides that the accidental taking of a bird, mammal, reptile, or amphibian by collision with a motor vehicle while the vehicle is being operated on a road or highway is not a violation of law, but prohibits a person from possessing the animal taken by the collision (FGC § 2000.5).
- 8) Requires the Department of Transportation (CalTrans) to establish procedures for the removal and disposal of animal carcasses on state highways (Streets and Highways Code § 91.8).
- 9) Prohibits putting viscera from or the carcass of an animal into the waters of the state or allowing these materials to pass into the waters of the state (FGC § 5652).
- 10) Authorizes DFW, upon appropriation by the Legislature, to develop a pilot program to collect and compile information and data on wildlife-vehicle collisions to support wildlife conservation efforts and for that pilot program to be operated at three geographically-dispersed sites. Authorizes DFW to coordinate with other agencies, and requires DFW to report to the Commission at the end of the wildlife-vehicle collision pilot program on the number of wildlife-vehicle collisions identified, and the feasibility of creating a statewide wildlife-vehicle collision reporting system, among other provisions (FGC § 1023).
- 11) Authorizes the Commission to establish a pilot program for the issuance of wildlife salvage permits to persons desiring to recover, possess, use, or transport, for purposes of salvaging wild game meat for human consumption of any deer, elk, pronghorn antelope, or wild pig that has been accidentally killed in a vehicle collision. The wildlife salvage pilot program:
 - a) Authorizes the Commission, upon appropriation by the Legislature and no later than January 1, 2022, to establish a wildlife salvage pilot program;
 - b) Requires the wildlife salvage permit to be at no cost to the public;
 - c) Requires the Commission to consult with other entities to ensure public health and safety and ensure the wildlife salvage pilot program does not facilitate poaching;
 - d) Requires the Commission to prescribe the requirements for a wildlife salvage permit and authorizes the Commission to limit the implementation of the wildlife salvage pilot program to only certain counties or regions of the state;
 - e) Authorizes a person to salvage the edible portions of deer, elk, pronghorn antelope, or wild pig that has been struck with a vehicle, pursuant to a wildlife salvage permit;
 - f) Clarifies that the program does not authorize an individual to kill an injured animal for the purpose of salvage;

- g) Requires DFW, upon appropriation by the Legislature, to implement the wildlife salvage pilot program no later than six months after the program is established by the Commission;
- h) Requires DFW, to the extent feasible, to develop and make available a web-based portal for the wildlife salvage pilot program and to include data collected from the wildlife salvage pilot program in any other wildlife-vehicle collision data collection;
- i) Prohibits the salvage of protected species;
- j) Requires DFW to annually report the number of permits issued, locations of impacts, and the species of wildlife; and
- k) Sunsets the wildlife salvage permit provisions on January 1, 2029 (FGC § 2000.6).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** This bill extends the sunset to the wildlife salvage permit pilot program to January 1, 2034 and makes changes to the wildlife-vehicle collision pilot program. According to the author, “Each year, thousands of animals are struck by vehicles in California, endangering motorists and disrupting the flow of wildlife. To address this, the Wildlife Traffic Safety pilot program was first codified in 2019 with SB 395. SB 395 decriminalized the taking of large game animals killed in traffic collisions. The program also includes extensive data collection and a reporting element that will allow state agencies to make informed decisions regarding traffic and wildlife safety. However, this program was never established so California remains one of the few remaining western states without such wildlife traffic laws. This bill would remove the establishment deadline and extend the sunset to allow the pilot program to be created.”
- 2) **Background.** Roads, highways, and other transportation infrastructure can adversely impact wildlife by causing both direct mortality from vehicle collisions and genetic isolation due to the reduction or elimination of habitat connectivity. The state highway system is under the full possession and control of Caltrans, but DFW as a trustee agency, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (see Existing Law #1).

Wildlife-vehicle conflict. Each year State Farm Insurance Company’s receives around 22,000 claims for collisions with deer; however, the under reporting of collisions means there could be as many as 220,000 annually on California roadways.¹ Using voluntarily-reported wildlife-vehicle conflicts (WVC) data, the UC Davis researchers have mapped wildlife/vehicle collision hotspots, although the data are incomplete. UC Davis Road Ecology Center research data indicate that there have been over 30,000 observed large mammal WVC from 2016–2022.

¹ From Wildlife-Vehicle Conflict to Solutions for California Wildlife & Drivers, Road Ecology Center, UC Davis (2023).

DFW's California Natural Diversity database includes an online reporting tool for observations of wildlife, and the UC Davis Road Ecology Center has an online reporting tool for roadkill.

Wildlife Traffic Safety Act. In 2019, SB 395 (Archuleta, Chapter 819, Statutes of 2019) authorized two pilot projects—one was to develop a three-site pilot program to collect and compile information and data on wildlife-vehicle collisions by DFW and the other was to authorize DFW at the direction of the Commission to develop a pilot program to authorize the take of roadkill (“wildlife salvage”) for human consumption. Implementation of SB 395 was contingent upon appropriation, and to date, no appropriation to fund the SB 395 programs has been made.

Although SB 395 has not yet been implemented, it is important to note that state efforts to identify and prioritize locations for wildlife corridors have continued and even intensified. Multiple bills and resolutions – notably AB 2344 (Friedman, Chapter 964, Statutes of 2021) and SB 790 (Stern, Chapter 738, Statutes of 2021) – have been considered by the Legislature to facilitate the development of wildlife corridors to ensure habitat connectivity. AB 2344 resulted in the approval of eight personnel at DFW to coordinate with Caltrans on the implementation of wildlife corridors. Implementation of SB 790 has led to the release of draft guidelines for mitigation credits. Once the guidelines are finalized, six pilot projects will be implemented to allow DFW to continue to work out the crediting methodology for advance mitigation credits, including related to wildlife corridors. All of Caltrans' regional advance mitigation needs assessments – part of Caltrans' Advance Mitigation Program – completed so far include both aquatic and terrestrial corridors in the goals and objectives sections.

Wildlife salvage in other states. Idaho, Montana, Oregon, Washington, and Alaska all have wildlife salvage permits to enable the collection and consumption of certain animals. The Idaho Department of Fish and Game's roadkill and salvage web-page has an online roadkill reporting tool which can be used to immediately provide a salvage permit.

- 3) **Proposed committee amendments.** It is unclear why a sunset extension is needed at this time. Should the Legislature appropriate funding for these programs, extending the sunset would be warranted. The Committee may wish the author to consider the following amendment:
 - (j) This section shall remain in effect only until January 1, ~~2034~~ **2029** and as of that date is repealed.
- 4) **Arguments in support.** A coalition of environmental and hunting organizations write in support of this bill saying that it will both improve public and wildlife safety protect wildlife. They note that the data that would be made available by this pilot program would ensure the proper placement of multi-million dollar wildlife crossings.
- 5) **Related legislation.** AB 2320 (Irwin) of the current legislative session requires the identification of key wildlife corridors and the establishment of goals for wildlife corridor protection in the next five years, among other provisions. AB 2320 is pending before the Senate Appropriations Committee.

AB 1889 (Friedman) of the current legislative session requires, among other provisions, the conservation element of a local jurisdiction's general plan to consider the effect of development within the jurisdiction on the movement of wildlife and habitat connectivity. AB 1889 is set for hearing in the Senate Natural Resources and Water Committee.

SB 145 (Newman), Chapter 57, Statutes of 2023 requires Caltrans to ensure the construction of three wildlife crossings and appurtenances at three priority locations if an intercity passenger rail project is constructed within the Interstate 15 right-of-way.

SB 790 (Stern), Chapter 738, Statutes of 2021, authorizes DFW to approve compensatory mitigation credits for certain wildlife connectivity actions that measurably improve habitat connectivity or wildlife migration, such as adding an overpass or underpass for a roadway.

AB 2344 (Friedman), Chapter 964, Statutes of 2021, requires Caltrans, in consultation with DFW and other appropriate agencies, to take actions to address wildlife connectivity needs related to the state highway system.

SB 395 (Archuleta), Chapter 819, Statutes of 2019 establishes the wildlife-vehicle collision data collection and wildlife salvage pilot programs.

SB 1372 (Monning) of 2020 would have enacted the Wildlife and Biodiversity Protection and Movement Act of 2020 and would have required the state to build off of existing programs and plans, including the State Wildlife Action Plan, to proactively protect and enhance wildlife corridors and design infrastructure to maximize wildlife connectivity. SB 1372 was held in the Senate Natural Resources and Water Committee due to the COVID-19 pandemic.

REGISTERED SUPPORT / OPPOSITION:

Support

California Deer Association (Sponsor)
Backcountry Hunters and Anglers, California Chapter
Cal-Ore Wetlands and Waterfowl Council
California Bowmen Hunters/State Archery Association
California Hawking Club
California Houndsmen for Conservation
California Rifle and Pistol Association
California Waterfowl Association
Congressional Sportsmen's Foundation
Mzuri Safari Club
National Wild Turkey Federation, California Chapter
Rocky Mountain Elk Foundation
Safari Club International, Golden Gate Chapter
Safari Club International, San Francisco Bay Area Chapter
San Diego County Wildlife Federation
Suisun Resource Conservation District
The Black Brant Group
Tulare Basin Wetlands Association
Wild Sheep Foundation, California Chapter

Opposition

None on file

Analysis Prepared by: Stephanie Mitchell / W., P., & W. / (916) 319-2096