

Date of Hearing: April 9, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 2320 (Irwin) – As Introduced February 12, 2024

SUBJECT: Wildlife Connectivity and Climate Adaptation Act of 2024: wildlife corridors

SUMMARY: Declares it is the state’s policy to increase connectivity between habitat areas in order to protect wildlife and requires the annual 30x30 report to outline progress in protecting wildlife corridors. Specifically, **this bill**:

- 1) Declares, under the Wildlife Conservation Law of 1947, that it is the policy of the state to preserve, protect, and restore wildlife habitat and biodiversity through the acquisition and restoration of large blocks of land and to provide wildlife corridors to connect these large blocks of land.
- 2) Defines “wildlife corridor” for purposes of the Wildlife Conservation Law of 1947 and the 30x30 goal as a habitat linkage that joins two or more areas of wildlife habitat to allow for fish passage or the movement of wildlife from one area to another.
- 3) Requires the annual 30x30 report to identify key wildlife corridors in the state, progress on protecting wildlife corridors, and goals for protection of wildlife corridors in the next five years. This shall include updates to the California Essential Habitat Connectivity Project report.
- 4) Makes technical and clarifying changes.

EXISTING LAW:

- 1) Declares, under Wildlife Conservation Law of 1947, that the preservation, protection, and restoration of wildlife is necessary to provide for recreation and the public welfare and calls for a coordinated program to acquire and restore habitat lands. Establishes the Wildlife Conservation Board (WCB) and a number of programs within WCB to realize these goals [Fish and Game Code (FGC) § 1320 *et seq.*].
- 2) Defines “wildlife corridor” as a habitat linkage that joins two or more areas of wildlife habitat, allowing for fish passage or the movement of wildlife from one area to another (FGC § 1930.2).
- 3) Requires the Department of Fish and Wildlife (DFW) to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages, as well as the impacts to those wildlife corridors from climate change (FGC § 1930.5).
- 4) Requires the Secretary of the California Natural Resources Agency (CNRA) to prepare and submit, beginning on or before March 31, 2024, an annual report to the Legislature on the progress made during the prior calendar year toward achieving the goal to conserve 30% of state lands and coastal waters by 2030 established by Governor Newsom's EO N-82-20 (Public Resources Code § 71452).

- 5) Requires Caltrans to prepare an annual report to the Legislature describing the status of progress in locating, assessing, funding, and remediating barriers to fish passage, and requires an assessment of potential barriers to fish passage prior to commencing project design (Streets and Highways Code § 156 *et seq.*).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** The author notes that California has a goal of protecting 30% of its lands and waters by 2030 (the “30x30 goal”) due to Executive Order (EO) N-82-20. The author asserts that “as habitats become increasingly fragmented by roads and large developments, many of California’s flora and fauna are at risk of genetic isolation. Allowing wildlife to safely traverse terrain when seeking food, shelter, mates, and refuge from natural disaster creates safer habitats and promotes genetic diversity. This bill would require the Natural Resources Agency to identify wildlife corridors and include them in its annual 30x30 report to the Legislature. The bill would further require the Wildlife Conservation Board to prioritize projects that protect and create new wildlife corridors.”
- 2) **Background.** Wildlife need to move on daily and, in many cases, seasonal time scales to find food, breed, and establish home territories. This movement can be impeded by human development (e.g., housing, transportation infrastructure, fences, and electrical infrastructure) that fragments wildlife habitat. Wildlife conservation is increasingly focused on connecting habitat areas by protecting and/or enhancing wildlife corridors so wildlife can move as they need to. The ability to move maintains genetic diversity of wildlife and increases their ability to adapt to climate change. Overpasses and underpasses across highways or culverts that allow water to flow under infrastructure are examples of ways human infrastructure can be adapted to allow wildlife to move.

WCB. WCB was created by the Wildlife Conservation Law of 1947 to administer a capital outlay program for wildlife conservation and related public recreation. WCB has a seven-member board that consists of the President of the Fish and Game Commission, the Director of DFW, the Director of the Department of Finance, and four public members (two appointed by the Legislature and two appointed by the Governor). The primary responsibilities of WCB are to select, authorize and allocate funds for the purchase of land and waters suitable for recreation purposes and the preservation, protection and restoration of wildlife habitat. WCB approves and funds projects that set aside lands within the state for such purposes. This bill would embed the protection of wildlife corridors in WCB’s core mission.

30x30 goal. The 30x30 initiative is a global movement; scientists say protecting at least 30% of the world’s oceans and lands by 2030 (and 50% by 2050) is necessary to prevent mass extinctions and ecological collapse. In October 2020, Governor Newsom signed his Nature Based Solutions Executive Order (EO) N-82-20, elevating the role of natural and working lands in the fight against climate change and advancing biodiversity conservation as an administration priority. As part of this EO, California is committed to the goal of conserving 30% of its lands and coastal waters by 2030.

Pathways to 30x30 (Pathways). CNRA released the Pathways strategy in April 2022 and it outlines actions for achieving the 30x30 goal. The Pathways report finds that approximately

24% of California's lands and 16% of its coastal waters are already conserved. The strategy describes the key objectives and core commitments that are a part of California's 30x30 conservation framework; defines conservation for the purpose of California's 30x30 initiative and establishes a current baseline of conserved areas; outlines strategic actions necessary to achieve 30x30; and, introduces CA Nature, a suite of publicly available applications to identify conservation opportunities and track our collective program.

The *Pathways* report acknowledges the importance of habitat connectivity and includes two actions related to increase connectivity between habitat areas: "Action 2.5. Strategically coordinate acquisitions to increase connectivity between conserved or restored habitats to provide wildlife corridors" and "Action 6.6. Implement watershed-scale restoration projects that connect land and coastal water habitats; fish and wildlife corridors to connect already conserved landscapes and waterways." This bill requires the Secretary of CNRA to include information relating to the protection of wildlife corridors in its annual report to the Legislature on progress toward meeting the 30x30 goal.

California Essential Habitat Connectivity (CEHC) Project. Caltrans and DFW commissioned this effort with funding from the Federal Highways Administration to identify and assess wildlife corridors in California. The effort also identifies tools and strategies to protect and enhance wildlife corridors and inform local and regional land-use planning agencies. CEHC led to the development of a publicly available map that depicts large, relatively natural habitat blocks that support native biodiversity and areas essential for ecological connectivity between them. This coarse-scale map focuses primarily on the concept of ecological integrity, rather than the needs of particular species. CEHC was also used by DFW to comply with AB 2785 (Ruskin), Chapter 333, Statutes of 2008 (see below).

- 3) **Arguments in support.** Endangered Habitats League (EHL) and a number of conservation organizations support this bill pointing out the importance of wildlife corridors to support wildlife populations: Many of California's most iconic native species, including mountain lions, bobcats, California tiger salamanders, and many others, face an existential threat due to their inability to disperse throughout their natural range. Unfortunately, human development has led to severe fragmentation of critical habitat for these species. The resulting isolation prevents animals from finding food, shelter, and mates; escaping from severe events like wildfires or floods; and adapting to shifts in resource availability. Barriers to wildlife movement can result in high levels of inbreeding, genetic isolation, and increased risk of local extinction." EHL et al. argue that this bill will support 30x30 goals and "strengthen the state's efforts to protect California's rich but threatened biodiversity."
- 4) **Proposed technical amendment.** To avoid redundancy and confusion and increase clarity, the Committee may wish to request that the author take the following technical amendment:

Amend FGC § 1301(a) as follows:

FGC 1301. (a) The preservation, protection and restoration of wildlife within the state is an inseparable part of providing adequate recreation for our people in the interest of public welfare; and it is the policy of the state to acquire and restore to the highest possible level, and maintain in a state of high productivity, those areas that can be most successfully used to sustain wildlife and that will provide adequate and suitable recreation. It is the policy of the state to preserve, protect and restore wildlife habitats and biodiversity *through the*

acquisition and restoration of ~~by acquiring and restoring~~ large blocks of habitat and natural lands that are connected by wildlife corridors and ~~the lands and infrastructure that supports wildlife corridors. to provide wildlife corridors and for connectivity of large blocks of habitat.~~ To carry out these purposes, a single and coordinated program for the acquisition of lands and facilities ~~suitable~~ for *suitable* recreational purposes, and adaptable for conservation, propagation, and utilization of the fish and game resources of the state, is established.

(b) As used in this section, “wildlife corridor” means a habitat linkage that joins two or more areas of wildlife habitat, allowing for fish passage or the movement of wildlife from one area to another.

(c) “Fish passage” means the ability of an anadromous fish to access appropriate habitat at all points in its life cycle, including spawning and rearing.

- 5) **Dual-referral.** This bill has also been referred to the Committee on Natural Resources.
- 6) **Related legislation.** AB 2278 (Kalra), Chapter 349, Statutes of 2022, requires the Secretary of CNRA to prepare and submit, beginning on or before March 31, 2024, an annual report to the Legislature on the progress made during the prior calendar year toward achieving the goal to conserve 30% of state lands and coastal waters by 2030 established by Governor Newsom's EO N-82-20.

SB 790 (Stern), Chapter 738, Statutes of 2021, authorizes DFW to approve compensatory mitigation credits for wildlife connectivity actions taken under the conservation and mitigation banking program or the RCIS program.

AB 2344 (Friedman), Chapter 964, Statutes of 2022, 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 1372 (Monning) of 2020 would have instituted structural reforms to facilitate wildlife corridors, among other things. AB 1372 was not moved by the author due to the COVID-19 pandemic.

AB 2785 (Ruskin), Chapter 333, Statutes of 2008, requires DFW to investigate, study, and identify those areas in the state that are most essential as wildlife corridors and habitat linkages. Requires DFW to develop and maintain a spatial data system that identifies those areas most essential for habitat connectivity, including wildlife corridors and habitat linkages, and to make that data available to the public.

REGISTERED SUPPORT / OPPOSITION:

Support

Amigos de Bolsa Chica
 Arroyos & Foothills Conservancy
 Bear Yuba Land Trust
 California Building Industry Association

California Environmental Voters (formerly CLCV)
California State Parks Foundation
Citizens for Los Angeles Wildlife
City of Thousand Oaks
Climate Reality Project, Los Angeles Chapter
Climate Reality San Fernando Valley, CA Chapter
County of Nevada
County of Placer
Creek Lands Conservation
Eastern Sierra Land Trust
Endangered Habitats League
Environmental Protection Information Center
Feather River Land Trust
Hills for Everyone
Laguna Greenbelt Inc.
League of California Cities
Los Cerritos Wetlands Land Trust
Los Padres Forestwatch
Midpeninsula Regional Open Space District
National Parks Conservation Association
Paula Lane Action Network
Placer Land Trust
Resource Conservation District of The Santa Monica Mountains
San Diego Humane Society
Santa Barbara Audubon Society
Santa Barbara Flyfishers
Santa Clara River Conservancy
Save Open Space & Agricultural Resources
Sempervirens Fund
Sierra Business Council
Sierra Club California
Sierra County Land Trust
Sierra Foothill Conservancy
Sierra Nevada Alliance
Southern Steelhead Coalition
Southwest Council, Fly Fishers International
Sustainable Rossmoor
The Big Wild
Truckee Donner Land Trust
Western Foundation of Vertebrate Zoology Bird Museum and Research Center
Wildlands Network
Wishtoyo Foundation

Opposition

None on file

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