

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: 04/11/2012
POSITION: Neutral

BILL NUMBER: AB 1973
AUTHOR: Olsen, Kristin

BILL SUMMARY: Protected Species: Take: Ferguson Slide Permanent Restoration Project

The California Endangered Species Act (CESA) prohibits the taking of an endangered or threatened species, except as specified.

This bill would authorize the incidental take of limestone salamander at the Department of Transportation's (Caltrans) Ferguson Slide Permanent Restoration Project (Ferguson Project) in Mariposa County.

FISCAL SUMMARY

As the lead agency for project review under CESA, the Department of Fish and Game (DFG) would be required to prepare, review, and implement an incidental take permit for the limestone salamander in the Caltrans project area. The resources for the permit would be covered by an existing Caltrans contract with DFG that funds one Environmental Scientist within the state's Central Region.

COMMENTS

The Department of Finance is neutral on the bill as it would provide appropriate safeguards for the limestone salamander and allow Caltrans to lawfully complete the Ferguson Project. The bill's provisions would not involve any additional costs.

The incidental take would not be authorized under this bill until DFG determines that specified conditions have been met, including avoidance of ground-disturbing activities during the salamander's active season and use of a biological monitor to inspect the worksite and fencing.

In April 2006, a rock slide referred to as "Ferguson Slide" blocked a 0.7 mile section of State Route 140 between the community of Mariposa and Yosemite National Park. Temporary bridges over the Merced River were constructed in 2006 and 2008 to restore access to Yosemite National Park. These temporary bridges created a detour around the Ferguson Slide which still requires a single lane route as State Route 140 remains impassable for some vehicular traffic.

The Ferguson Project would restore full highway access in this area by repairing or permanently bypassing the portion of State Route 140 affected by the Ferguson slide. The CESA protected limestone salamander is known to occur in the project footprint and there is no means by which impacts to this species could be avoided without moving State Route 140 to the north side of the Merced River. Because this portion of the Merced River is designated as Wild and Scenic, such an approach has significant legal hurdles as well as major environmental opposition.

Analyst/Principal (0634) K.Gmeinder	Date	Program Budget Manager Karen Finn	Date
Department Deputy Director		Date	
Governor's Office:	By:	Date:	Position Approved _____ Position Disapproved _____
BILL ANALYSIS			Form DF-43 (Rev 03/95 Buff)

BILL ANALYSIS--(CONTINUED)

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Code/Department Agency or Revenue Type	SO LA CO RV	PROP 98	FC	(Fiscal Impact by Fiscal Year) (Dollars in Thousands)			Fund Code
				2011-2012 FC	2012-2013 FC	2013-2014	
3600/Dept FishGam	SO	No		-----	No/Minor Fiscal Impact	-----	0200
<u>Fund Code</u> 0200	<u>Title</u> Fish and Game Preservation Fund						