



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

HI

For the meeting of: June 12, 2018

Date: May 18, 2018
To: Board of Supervisors
From: Supervisor Rex Bohn
Subject: Consider Sending Letter of Opposition to SB 1487 (Stern), the Iconic African Species Protection Act.

RECOMMENDATION(S): That the Board of Supervisors send a letter of opposition to SB 1487, the Iconic African Species Protection Act, to Senator Mike McGuire.

SOURCE OF FUNDING: N/A

DISCUSSION: The Board of Supervisors has received a request from the Fish & Game Commission to send a letter in opposition to SB 1487, the Iconic African Species Protection Act. As an advisory body to the Board of Supervisors, the Fish & Game Commission, at their May 16, 2018 meeting voted to request that the Board of Supervisors oppose SB 1487 (an anti-hunting bill) and send a letter to Senator Mike McGuire expressing concerns that passage of the bill in its current form would result in the opposite effect of protecting endangered and African animal species.

FINANCIAL IMPACT: N/A

OTHER AGENCY INVOLVEMENT:

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion.

ATTACHMENTS: Proposed Letter and SB 1487 Bill Text.

Prepared by Kathy Hayes

Signature [Handwritten Signature]

REVIEW: Auditor County Counsel Personnel Risk Manager Other

TYPE OF ITEM:
Consent
Departmental
Public Hearing
XX Other Board Initiated (15 minutes)

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor
Seconded by Supervisor
And unanimously carried by those members present,
The Board hereby adopts the recommended action
contained in this report.

PREVIOUS ACTION/REFERRAL:

Board Order No.

Meeting of:

Dated: Per Order of the Chair
Nikki Turner, Deputy Clerk of the Board

By:

RECEIVED
BOARD OF SUPERVISORS

MAY 16 2018

319-441-3131

senator.mcguire@senate.ca.gov

Re: Oppose SB 1487 "The Iconic African Species Protection Act"

Dear Senate Member McGuire:

A bill in the California Legislature, SB 1487, titled the Iconic African Species Protection Act, is currently making its way through the California State Senate. Passage of this law will prohibit everyday Californians from possessing any part or parts of certain African animal species deemed "iconic" by the State of California. This proposed law is significantly more restrictive than current law which states Californians cannot possess certain African animal species for "commercial or sales" purposes. Under this proposed law, possession alone of hides, horns, etc. will be illegal and punishable by fines and/or jail time.

Many of the species listed in this bill are not endangered in many African countries. In locales where these species are threatened, current laws in those countries of origin and supported worldwide in many cases, prohibit the hunting and possession of these species. Where these species are not threatened or endangered, strict conservation and management practices are currently in force.

The greatest threat to African animal species is the out-of-control illegal poaching of these animals by Africans in some African countries. Poachers then sell the animal parts, as an example elephant tusks or rhinoceros horns, for extraordinarily high prices, almost exclusively for demand outside of the United States.

Strict anti-poaching efforts must be increased throughout Africa to counter this major threat to endangered African species. The US Government financially supports anti-poaching efforts in some of these countries, but it's not sufficient to eliminate the threat or stop the poaching. The significant funds that hunters pay, including Californians, to hunt non-endangered African species help support anti-poaching activities in Africa, according to concession managers from those countries. Without these resources and anti-poaching efforts, many concession managers living in Africa believe these species will face a more difficult future.

If this bill is signed into law, far fewer Californians will hunt in Africa. Some Californians may say "That's fine." But, in areas where local African tribes, tribal families, concessions and economies depend on these international dollars for conservation, management and activities to stop illegal poaching, the protection of these species will be further compromised with reduced resources, resulting in the opposite effect of protecting endangered and iconic African animal species.

More resources are needed for anti-poaching activities to protect these African species, not less. Please oppose SB 1487

Humboldt County Board of Supervisors

Introduced by Senator Stern

February 16, 2018

~~An act to amend Section 740.12 of the Public Utilities Code, relating to transportation electrification. An act to add Section 2351 to the Fish and Game Code, relating to African species.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1487, as amended, Stern. ~~Electrical corporations: transportation electrification programs and investments.~~ *Iconic African Species Protection Act.*

Existing law prohibits the importation or possession of birds, mammals, fish, reptiles, or amphibians unless specified conditions are met, including, among other things, the animals were legally taken and legally possessed outside of this state and the Fish and Game Code and regulations adopted pursuant to that code do not expressly prohibit their possession in this state. Existing law provides that a violation of this code or any regulation adopted under this code is a crime.

Existing law makes it a misdemeanor to import into the state for commercial purposes, to possess with intent to sell, or to sell within the state, the dead body or other part or product of specified animals, including leopards, tigers, and elephants. A violation of this provision is punishable by a fine of not less than \$1,000, not to exceed \$5,000, or imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment, for each violation.

This bill would enact the Iconic African Species Protection Act and would prohibit the possession of specified African species and any part, product, offspring, or the dead body or parts thereof, including, but not limited to, the African elephant or the black rhinoceros, by any individual, firm, corporation, association, or partnership within the State of California, except as specified for, among other things, use for educational or scientific purposes by a bona fide educational or scientific institution, as defined.

The bill would impose criminal penalties, including a fine and imprisonment, for first and subsequent convictions for a violation of any provision of the act, or any rule, regulation, or order adopted pursuant to the act. The bill would also authorize an administrative penalty of up to \$10,000 for a violation of the act, or any rule, regulation, or order adopted pursuant to the act, as specified. The bill would require that the administrative penalties collected pursuant to the act be deposited in the Fish and Game Preservation Fund and used for law enforcement purposes upon appropriation by the Legislature. By creating new crimes, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

~~(1)According to the State Alternative Fuels Plan analysis by the Energy Commission and the State Air Resources Board, light-, medium-, and heavy-duty vehicle electrification results in approximately 70 percent fewer greenhouse gases emitted, over 85 percent fewer ozone-forming air pollutants emitted, and 100 percent fewer petroleum used. These reductions will become larger as renewable generation increases.~~

~~(2)It is the policy of the state and the intent of the Legislature to encourage transportation electrification as a means to achieve ambient air quality standards and the state's climate goals. Agencies designing and implementing regulations, guidelines, plans, and funding programs to reduce greenhouse gas emissions shall take the findings described in paragraph (1) into account.~~

~~(b)The commission, in consultation with the State Air Resources Board and the Energy Commission, shall direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative (Chapter 8.5 (commencing with Section 44258) of Part 5 of Division 26 of the Health and Safety Code), and reduce emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050. Programs proposed by electrical corporations shall seek to minimize overall costs and maximize overall benefits. The commission shall approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, via a reasonable cost recovery mechanism, if they are consistent with this section, do not unfairly compete with nonutility enterprises as required under Section 740.3, include performance accountability measures, and are in the interests of ratepayers as defined in Section 740.8.~~

~~(c)The commission shall review data concerning current and future electric transportation adoption and charging infrastructure utilization prior to authorizing an electrical corporation to collect new program costs related to transportation electrification in customer rates. If market barriers unrelated to the investment made by an electric corporation prevent electric transportation from adequately utilizing available charging infrastructure, the commission shall not permit additional investments in transportation electrification without a reasonable showing that the investments would not result in long-term stranded costs recoverable from ratepayers.~~

~~(d)This section applies to an application to the commission for transportation electrification programs and investments if one of the following conditions is met:~~

~~(1)The application is filed on or after January 1, 2016.~~

~~(2)The application is filed before January 1, 2016, but has an evidentiary hearing scheduled on or after July 1, 2016.~~

END SB 1487

apply if the informant is a regular salaried law enforcement officer or an officer or agent of the department.

(h) Upon conviction or other entry of judgment for a violation of this section, any seized article shall be forfeited and, upon forfeiture, either maintained by the department for educational or training purposes, donated by the department to a bona fide educational or scientific institution, or destroyed.

(i) Administrative penalties collected pursuant to this section shall be deposited in the Fish and Game Preservation Fund and used for law enforcement purposes upon appropriation by the Legislature.

(j) This section does not preclude enforcement under Section 2022 of this code or Sections 653o, 653p, and 653r of the Penal Code.

(k) The prohibition against possession of the species listed in paragraph (1) of subdivision (b) is severable. A finding of the invalidity of the prohibition against a species shall not affect the validity of the prohibition against other species.

SEC. 2.

No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SECTION 1. Section 740.12 of the Public Utilities Code is amended to read:~~

~~740.12.~~

~~(a)(1) The Legislature finds and declares all of the following:~~

~~(A) Advanced clean vehicles and fuels are needed to reduce petroleum use, to meet air quality standards, to improve public health, and to achieve the state's goals for reducing emissions of greenhouse gases.~~

~~(B) Widespread transportation electrification is needed to achieve the goals of the Charge Ahead California Initiative (Chapter 8.5 (commencing with Section 44258) of Part 5 of Division 26 of the Health and Safety Code).~~

~~(C) Widespread transportation electrification requires increased access for disadvantaged communities, low and moderate income communities, and other consumers of zero emission and near zero emission vehicles, and increased use of those vehicles in those communities and by other consumers to enhance air quality, lower greenhouse gases emissions, and promote overall benefits to those communities and other consumers.~~

~~(D) Reducing emissions of greenhouse gases to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050 will require widespread transportation electrification.~~

~~(E) Widespread transportation electrification requires electrical corporations to increase access to the use of electricity as a transportation fuel.~~

~~(F) Widespread transportation electrification should stimulate innovation and competition, enable consumer options in charging equipment and services, attract private capital investments, and create high-quality jobs for Californians, where technologically feasible.~~

~~(G) Deploying electric vehicles should assist in grid management, integrating generation from eligible renewable energy resources, and reducing fuel costs for vehicle drivers who charge in a manner consistent with electrical grid conditions.~~

~~(H) Deploying electric vehicle charging infrastructure should facilitate increased sales of electric vehicles by making charging easily accessible and should provide the opportunity to access electricity as a fuel that is cleaner and less costly than gasoline or other fossil fuels in public and private locations.~~

(B) Accreditation as an educational or scientific institution, from a qualified national, regional, state, or local authority for the institution's location.

(c) Except as provided in subdivision (d), Iconic African Species shall not be possessed by any individual, firm, corporation, association, or partnership within the State of California.

(d) Unless such activity is otherwise prohibited by law, one or more of the following exceptions and defenses apply to the prohibition set forth in subdivision (c):

(1) The prohibition of subdivision (c) does not apply to an employee or agent of the federal, state, or local government undertaking a law enforcement activity pursuant to federal or state law, or a mandatory duty required by federal law.

(2) The article is possessed for wholly noncommercial purposes and was possessed within this state before January 1, 2019, and is not thereafter sold, offered for sale, traded, bartered, or distributed to any private party within the State of California.

(3) The article is lawfully imported pursuant to a permit or exemption under the California Endangered Species Act. Within 30 days of importation, any such article shall be removed from within the state and may not be possessed within the state.

(4) The article is for use for educational or scientific purposes by a bona fide educational or scientific institution.

(5) In the case of ivory or rhinoceros horn, is possessed in conformance with the requirements of Section 2022.

(6) The article is distributed directly to a legal beneficiary of a trust or to a legal heir provided the article was possessed by the decedent before the enactment of this section; provided further, that after transfer to the beneficiary or heir, the article is not thereafter sold, offered for sale, traded, bartered, or distributed to any private party.

(e) For a violation of any provision of this section, or any rule, regulation, or order adopted pursuant to this section, the following criminal penalties shall be imposed:

(1) For a first conviction, the offense shall be a misdemeanor punishable by a fine of not less than five thousand dollars (\$5,000), or more than forty thousand dollars (\$40,000), imprisonment in the county jail for not more than one year, or by both the fine and imprisonment.

(2) For a second or subsequent conviction, the offense shall be a misdemeanor punishable by a fine of not less than ten thousand dollars (\$10,000), or more than fifty thousand dollars (\$50,000), imprisonment in county jail for not more than one year, or by both the fine and imprisonment.

(f) In addition to, and separate from, any criminal penalty provided for under subdivision (e), an administrative penalty of up to ten thousand dollars (\$10,000) may be imposed for a violation of any provision of this section, or any rule, regulation, or order adopted pursuant to this section. Penalties authorized pursuant to this subdivision may be imposed by the department consistent with the provisions of subdivision (f) of Section 2022.

(g) For any conviction or other entry of judgment imposed by a court for a violation of this section resulting in a fine, the court may pay one-half of the fine, but not to exceed five hundred dollars (\$500), to any person giving information that led to the conviction or other entry of judgment. This reward shall not

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations. Existing law, enacted as part of the Clean Energy and Pollution Reduction Act of 2015, requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission and State Air Resources Board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative, and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. That law requires that the programs proposed by electrical corporations seek to minimize overall costs and maximize overall benefits. The PUC is required to approve, or modify and approve, programs and investments in transportation electrification, including those that deploy charging infrastructure, through a reasonable cost recovery mechanism, if they are consistent with the above-described purposes, do not unfairly compete with nonutility enterprises, include performance accountability measures, and are in the interests of ratepayers. This bill would make a nonsubstantive revision to legislative findings and declarations that accompany these requirements of the Clean Energy and Pollution Reduction Act of 2015.~~

DIGEST KEY

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

BILL TEXT

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

SECTION 1.

Section 2351 is added to the Fish and Game Code, to read:

2351.

(a) This section may be known, and may be cited, as the Iconic African Species Protection Act.

(b) For the purposes of this section, the following terms have the following meanings:

*(1) "Iconic African Species" means any species or subspecies of the following members of the animal kingdom: African elephant (*Loxodonta africana* and *Loxodonta cyclotis*), African lion (*Panthera leo*), leopard (*Panthera pardus*), black rhinoceros (*Diceros bicornis*), white rhinoceros (*Ceratotherium simum*), giraffe (*Giraffa camelopardalis*), Jentink's duiker (*Cephalophus jentinki*), plains zebra (*Equus quagga*), mountain zebra (*Equus zebra*), hippopotamus (*Hippopotamus amphibius*), and striped hyena (*Hyaena hyaena*), including any part, product, or offspring thereof, or the dead body or parts thereof, excluding fossils, whether or not included in a manufactured product or in a food product.*

(2) "Article" is synonymous with the term "Iconic African Species."

(3) "Bona fide educational or scientific institution" means an institution that establishes through documentation either of the following:

(A) Educational or scientific tax exemption, from the federal Internal Revenue Service or the institution's national, state, or local tax authority.