



March 16, 2017

The Honorable Robert M. Hertzberg  
Chairman  
Senate Natural Resources & Water Committee  
State Capitol, Room 5046  
Sacramento, CA 95814

**RE: SB 532 (Dodd) Safe Harbor for Tricolored Blackbird**  
**Position: Support**

Dear Senator Hertzberg:

The California Waterfowl Association is pleased to support SB 532 by Senator Dodd. The bill is set for hearing in your committee on March 28, 2017. The bill will allow the California Department of Fish and Wildlife the discretion to enter into Safe Harbor Agreements with landowners for tricolored blackbirds.

The California Fish and Game Commission voted 3-1 to advance the tricolored blackbird to candidate status under the California Endangered Species Act at its meeting on December 10, 2015. As a candidate species, the tricolored blackbird receives the same legal protection afforded to an endangered or threatened species.

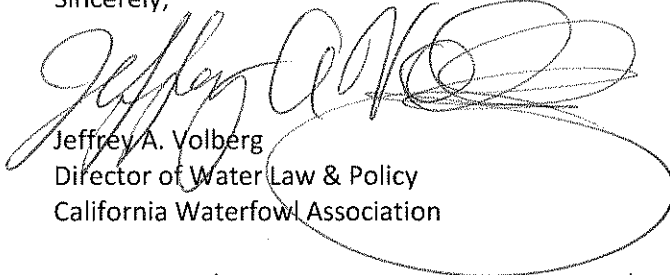
The Commission also filed a proposed regulation for incidental take of tricolored blackbird during the candidacy period during the candidacy period with the Office of Administrative Law on February 26, 2016. The regulation primarily addressed the needs of dairy farmers, but does not provide adequate assurances for other individuals and organizations that are actively protecting, restoring, and enhancing tricolored blackbird habitat. The lack of a safe harbor results in a "no good deed goes unpunished" conundrum for private landowners.

Private landowners need to be able to enter into a safe harbor agreement under Article 3.7 of the California Fish and Game Code to protect themselves from liability. Because the costs associated with the preparation of environmental documents under the California Environmental Quality Act (CEQA) are prohibitive, SB 532 would exempt safe harbor agreements for tricolored blackbirds from CEQA.

California Waterfowl is participating with other conservation groups in efforts to conserve habitat for tricolored blackbirds on our own property. SB 532 will make it possible for this effort to continue without creating regulatory liabilities that would make it infeasible to continue these efforts.

We request your support of this bill. Thank you.

Sincerely,



Jeffrey A. Volberg  
Director of Water Law & Policy  
California Waterfowl Association

Cc: Members, Senate Natural Resources and Water Committee