
THIRD READING

Bill No: AB 1319
Author: Schultz (D), et al.
Amended: 9/5/25 in Senate
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 4-3, 7/8/25
AYES: Limón, Allen, Laird, Stern
NOES: Seyarto, Grove, Hurtado

SENATE APPROPRIATIONS COMMITTEE: 5-2, 8/29/25
AYES: Caballero, Cabaldon, Grayson, Richardson, Wahab
NOES: Seyarto, Dahle

ASSEMBLY FLOOR: 54-18, 6/2/25 - See last page for vote

SUBJECT: Protected species: California Endangered Species Act

SOURCE: Defenders of Wildlife

DIGEST: This bill authorizes the California Department of Fish and Wildlife (CDFW) to determine whether a federally listed species under the Endangered Species Act (ESA) native to the state would be impacted by a decrease in federal protections that could be substantially reduced by protection under the California Endangered Species Act (CESA), authorizes CDFW to deem that species a provisional candidate species under CESA, authorizes the California Fish and Game Commission (commission) to proceed with the process to list the species under CESA, and makes it unlawful for a person to import, cause to be imported, export, cause to be exported, transport, sell, offer for sale, possess, receive, acquire, or purchase any fish, wildlife, or plant that was taken, possessed, transported or sold in violation of any law, regulation or order, as provided, among other provisions.

Senate Floor Amendments of 9/5/25 clarify the treatment of species with provisional candidacy under CESA, remove a duplicative provision and make an additional technical change.

ANALYSIS:

Existing law:

- 1) Provides that fish and wildlife resources are held in trust for the people of California by and through California Department of Fish and Wildlife (CDFW) (Fish and Game Code (FGC) §711.7).
- 2) Provides, under CESA and the federal ESA, for the listing and protection of species determined through biological scientific analysis to be endangered or threatened with extinction (FGC §§2070–2079.1; United States Code (U.S.C.) Title 16 §§1531 *et seq.*).
- 3) Makes it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the U.S. or in violation of any Indian tribal law, or to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce (18 U.S.C. §§3371–3378). Provides, with specified exception, that violations of the FGC are a misdemeanor (FGC 12000).
- 4) Defines endangered, threatened, and candidate species, all of which refer to native species or subspecies (FGC §§2062, 2067, 2068).
- 5) Prohibits a person or public agency from importing into this state, exporting out of this state, or taking, possessing, purchasing, or selling within the state, any listed species or any part or product of the listed species (FGC §2080).
 - a) Species that have been advanced to candidacy by the commission have the same protections as listed species until resolution of their candidacy.
- 6) Prohibits the take of an endangered species, threatened species, or candidate species listed pursuant to CESA unless CDFW authorizes the take of the listed species under an incidental take permit and if the take is incidental to an otherwise lawful activity, the impacts are minimized and fully mitigated, and the issuance of the permit would not jeopardize the continued existence of the species (FGC §§2081, 2084).
- 7) Allows the commission to adopt, amend, or repeal a regulation after at least one hearing (i.e., an emergency regulation) if the commission finds that the adoption, amendment, or repeal is necessary for (1) the immediate conservation, preservation, or protection of animal species or (2) the immediate preservation of the public peace, health and safety, or general welfare (FGC §399).

This bill:

- 1) Makes it unlawful for a person in this state to import, cause to be imported, export, cause to be exported, transport, sell, offer for sale, possess with the intent to sell, receive, acquire, or purchase any fish, wildlife, or plant that was taken, possessed, transported, or sold in violation of any law, or statute of any state or of any law, treaty or statute of the United States with regard to fish, wildlife, or plants in effect on January 19, 2025.
 - a) Excludes any cannabis or hemp as allowed under state law from this prohibition, as provided.
 - b) Requires prosecution of an offense to commence within 3 years.
 - c) Provides for a first conviction for a violation to be a misdemeanor punishable by a fine between \$5,000 to \$40,000, or imprisonment of up to one year, or both, as specified. Provides for a second or subsequent conviction to be punishable with a fine between \$10,000 to \$50,000, or imprisonment of up to one year, or both, as specified.
 - d) Requires upon conviction or other entry of judgment for a violation that any seized evidence be forfeited, and maintained, donated, or destroyed, as specified.
- 2) Requires CDFW to take the following actions to ensure no backsliding as a result of a decrease in endangered or threatened species protections by the federal government:
 - a) Requires CDFW to monitor certain federal actions that could result in a decreased in endangered or threatened species protections by the federal government. Requires CDFW, if it determines these actions will result in a decrease in protection, to determine whether the decrease in federal protections will have a substantial impact on one or more listed species within California and provisional listing as a candidate species under CESA could significantly reduce any substantial impact.
 - b) Requires CDFW to publish written findings in the California Regulatory Notice Register if it determines that a decrease in federal protection for a listed species could substantially impact the species and that listing as a provisional candidate species under CESA could significantly reduce these impacts. Requires CDFW to include a statement that the affected species is deemed a provisional candidate species under CESA, and to add the species to the commission's list as a provisional candidate species.
 - c) Requires any species added to the list of provisional candidate species to remain on the list until January 31, 2031, as provided.
 - d) Requires CDFW to report any federally listed species that are listed as provisional candidate species at the next public meeting of commission following the provisional candidacy determination. Requires the

commission, as warranted, to direct CDFW to prepared a status review and proceed with the process for listing the species under CESA.

- e) Requires provisional candidate species to have the same protections as candidate species under CESA. Authorizes the commission to remove a provisional candidate species from the list of provisional candidate species, as specified.
- 3) Provides that any actions by CDFW or the commission in undertaking 2) are not subject to CEQA.
- 4) States legislative intent that CDFW and the commission are provided sustainable funding to fully implement 2).
- 5) Requires CDFW to notify affected or interested persons of any determination to make a federally listed species a provisional candidate species under CESA, as provided.
- 6) Provides protection from civil and criminal penalties for any entity operating under a federal authorization for take, in effect on or before January 19, 2025, for species listed pursuant to the provisional candidacy, as long as the entities are in full compliance with their federal biological opinion, incidental take permit, incidental take statement, conservation benefit agreement, or certain rules promulgated pursuant to federal ESA.
- 7) Sunsets the above provisions on December 31, 2031, as provided. Authorizes any enforcement action brought on or before December 31, 2031, to proceed to final judgment.
- 8) Provides legislative findings demonstrating the need to restrict public access to the meetings of public bodies or the writings of public officials, and states that no reimbursement is required for state-mandated costs, as provided.

[NOTE: See the Senate Natural Resources and Water Committee analysis for additional information regarding this bill.]

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- Unknown but likely significant ongoing costs, potentially as much as \$7-9 million annually (General Fund, Fish and Game Preservation Fund, or other fund) for CDFW to implement the provisions of this bill, depending on the number of species that become eligible for listing under the California Endangered Species Act pursuant to AB 1319. Costs of around \$7 million is based on assuming a scenario where only about 10% of federally listed species are listed by the Commission under the emergency regulations under this bill in any one year.

SUPPORT: (Verified 9/8/25)

Defenders of Wildlife (source)
Applegate Siskiyou Alliance
Audubon California
Bear Yuba Land Trust
Cabrillo Marine Aquarium
CactusToCloud Institute
California Association of Professional
Scientists, UAW Local 1115
California Association of Zoos and
Aquariums
California Coastal Protection Network
California Environmental Voters
California Fish and Game Wardens
Association
California Fish and Game Wardens
Supervisor and Managers
Association
California Institute for Biodiversity
California Native Plant Society
California Native Plant Society, Alta
Peak Chapter
California Statewide Law
Enforcement Association
California Trout
California Wildlife Officers
Foundation
CalWild
Center for Biological Diversity
Central Valley Partnership
Clean Water Action
CleanEarth4Kids.org
Climate Action California
Coastal Corridor Alliance
Endangered Habitats League
Environmental Defense Fund
Environmental Protection Information
Center

Fresno Chaffee Zoo
Friends of Rose Creek
Friends of the Dunes
Friends of the Inyo
Friends of the River
Hills For Everyone
Los Angeles Waterkeeper
Los Cerritos Wetlands Land Trust
Los Angeles Neighborhood Land
Trust
Midpeninsula Regional Open Space
District
Mono Lake Committee
Monterey Bay Aquarium
Mount Shasta Bioregional Ecology
Center
Planning and Conservation League
San Diego Bird Alliance
San Francisco Baykeeper
San Joaquin River Parkway &
Conservation Trust, Inc.
Santa Clara Valley Bird Alliance
Save Mount Diablo
Sea and Sage Audubon Society
Sequoia Riverlands Trust
Sierra Club California
Sierra County Land Trust
Sierra Nevada Alliance
SoCal 350 Climate Action
Sonoma Land Trust
South Yuba River Citizens League
The River Project
The Trust for Public Land
The Wildlands Conservancy
UAW Region 6
Wildlands Network

OPPOSITION: (Verified 9/8/25)

African American Farmers of
California
Agricultural Council of California
American Pistachio Growers
Association of California Water
Agencies

California Apple Commission
California Association of Pest Control
Advisors
California Association of Winegrape
Growers
California Blueberry Association
California Blueberry Commission
California Building Industry
Association
California Chamber of Commerce
California Citrus Mutual
California Cotton Ginners and
Growers Association
California Council for Environmental
and Economic Balance
California Farm Bureau
California Fresh Fruit Association
California Municipal Utilities
Association
California Strawberry Commission
California Walnut Commission
California Wild Rice Advisory Board
Eastern Municipal Water District

Imperial Irrigation District
Kings River Conservation District
Metropolitan Water District of
Southern California
Milk Producers Council
Nisei Farmers League
Northern California Water
Association
Olive Growers Council of California
Olive Oil Commission of California
Rancho Water
San Juan Water District
San Luis & Delta-Mendota Water
Authority
Santa Clara Valley Water District
Solano County Water Agency
South San Joaquin Irrigation District
Southern California Water Coalition
State Water Contractors
United Water Conservation District
Valley Ag Water Coalition
Valley Center Municipal Water
District
Water Blueprint of San Joaquin
Valley Advocacy Fund
Western Canal Water District
Western Growers
Western Plant Health Association
Western Tree Nut Association

ARGUMENTS IN SUPPORT: According to the author, “The California Endangered Species Act states that all native species and their habitats, threatened with extinction and those experiencing a significant decline, which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. Currently, there are 80 fish and wildlife species and 65 plant species in California considered endangered or threatened but are protected only by the federal Endangered Species Act. California law also includes protections for international species experiencing declines by prohibiting the trade in lion and elephant parts.”

“The current federal administration has made it clear that it intends to weaken protections for biodiversity, particularly endangered and threatened species. Since January, President Trump has issued multiple executive orders with directives to weaken protections for species protected under the federal ESA. Last month, the federal government issued a draft rule that would significantly reduce the scope of protections for imperiled species under the federal ESA.”

“AB 1319 creates a clear and orderly process by which the state would evaluate the changes in federal protection and decide if endangered and threatened California native species left unprotected by changes in federal law should be protected by the state Endangered Species Act. It also keeps in place existing protections for

ARGUMENTS IN OPPOSITION: The Association of California Water Agencies, in a joint “oppose unless amended” letter, writes that the new emergency regulation process proposed by this bill “creates additional uncertainty for permittees with the potential to lead to extensive delays in the implementation of projects and maintenance activities and significantly increase costs to the California Department of Fish and Wildlife (CDFW).”

“The Commission and CDFW already have the appropriate and expeditious tools to address any concerns related to a species that is native to California. CDFW and the Commission can utilize the emergency regulation process consistent with Fish and Game Code section 399, and CDFW can submit a petition for listing in the absence of a petition from an interested party, which would expedite the traditional candidate status process. By using these existing tools, CDFW could best manage its resources and manage the fiscal impact of adding new species to the endangered and threatened species list.”

“The term “decrease in protection” is far too broad. [...] We request that the emergency process outlined in this bill be limited to the delisting of a species that is not based on the recovery of that species or its extinction in the wild.”

In addition, ACWA requests that a consistency determination be issued to strengthen the protection from criminal and civil penalties, and notes the potential fiscal impact to CDFW given the potential staff time needed to implement the bill.

ASSEMBLY FLOOR: 54-18, 6/2/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian,

Hart, Irwin, Jackson, Kalra, Krell, Lee, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Stefani, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Alanis, Castillo, Davies, DeMaio, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Hoover, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Arambula, Bains, Chen, Lowenthal, Blanca Rubio, Soria, Valencia

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9/9/25 13:04:32

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