
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 550 (Petrie-Norris) - The California Endangered Species Act: take of species proposed for listing: renewable electrical generation facilities

Version: June 25, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: N.R. & W. 6 - 0

Mandate: No

Consultant: Ashley Ames

Bill Summary: This bill would allow the California Department of Fish and Wildlife (CDFW) to authorize by permit the take of a species proposed for listing, as defined, if specified conditions are met, and would provide that if *a species proposed for listing* becomes listed as an endangered, threatened, or candidate species, further authorization or approval would not be required for a take of that species, as specified.

Fiscal Impact:

- CDFW estimates ongoing costs of \$224,000 in 2027-28 and \$215,000 annually thereafter (Endangered Species Permitting Account or other special fund) to create a new permit, which would require development of application materials including paper and online forms, instructions and guidance materials, website updates, permit templates, education and outreach materials, and updated tracking metrics.
- CDFW notes that this bill would likely increase the number of incidental take permits issued by the department, but that the resulting revenue impacts (Endangered Species Permitting Account or other special fund) cannot be estimated since the future number of species proposed for listing is unknown.

Background:

The California Endangered Species Act (CESA). CESA was enacted to prevent the extinction of fish, wildlife, plant, and invertebrate species. CESA relies on scientific analysis to determine which species face extinction and impose protections for those species. The continued existence of a species may be threatened by any combination of habitat destruction, overexploitation, predation, competition, disease, or other natural or human-related activities. The overarching intent of CESA is to regulate and impose mitigation on activities that could contribute to the extinction of species. Species are referred to as “listed” if they have been designated as “threatened” or “endangered” by CESA.

CESA prohibits the “take” of a listed species, which means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. CDFW may issue permits under CESA to allow the “take” that is incidental to an otherwise legitimate activity. In California, species that are being considered for listing under CESA (i.e., candidate species) are afforded the same protections as listed species until the scientific evaluation is complete and the commission makes a final decision regarding if the species should be listed or not.

Under CESA, anyone can file a petition with the commission proposing the listing of a particular species. After the commission receives a CESA listing petition, CDFW is responsible for completing a petition evaluation that includes a recommendation on whether the petition contains sufficient scientific information to indicate the petitioned action is warranted. Once the CDFW evaluation is completed, the commission, at a public meeting, has to decide whether to accept the petition. If the petition is accepted, the species becomes a candidate species and receives CESA protections, as provided. CDFW then has to prepare a peer-reviewed species status report based upon the best scientific information available. Once the status report is completed, the commission has to decide at a public hearing whether the petitioned action is warranted. If yes, the species will be “listed” and afforded relevant protections. If no, the species is removed from candidacy.

According to the Assembly Water, Parks, and Wildlife Committee, since 2010, the commission has received 40 petitions. Of those, 22 petitions resulted in a listing and 13 are currently candidates (which includes the Western Joshua Tree, as well as the most recently proposed species: greater sage grouse, white sturgeon, bear lake buckwheat, morro manzanita, Western burrowing owl, Gerry’s curl leaved monardella, and the Pacific pocket mouse). It can take multiple years from the receipt of a completed petition to a final determination on whether to list the species is made by the commission.

Permitted take. Incidental take permits (ITPs) are exceptions under CESA to enable prohibited take, subject to certain conditions, for an otherwise lawful activity. Examples of “lawful activities” for which an ITP may be issued include infrastructure development, housing development, and scientific research. CDFW may not approve an ITP for a listed species if the activity for which the permit is sought would jeopardize the continued existence of the species. ITPs also require that the impacts to the listed species are minimized (i.e., activities that avoid take such as exclusion fencing, flagging habitat, and timing elements of projects to avoid species) and fully mitigated (e.g., acquisition, preservation, and/or enhancement of suitable habitat) using measures that are roughly proportional in extent to the impact on the species.

Proposed Law: This bill would:

1. Define a “species proposed for listing” as a species recommended by the department or petitioned by an interested party for listing as an endangered or threatened species before the commission determines if the species will be designated as a candidate species, as provided.
2. Allow CDFW to authorize by permit the take of a species proposed for listing if all of the following conditions are met:
 - a. The take is incidental to an otherwise lawful activity.
 - b. The impacts of the authorized take are minimized and fully mitigated, as specified. The applicant must ensure adequate funding to implement the measures required, and for monitoring compliance with, and effectiveness of, those measures.

- c. The department has sufficient information to determine the impact of the authorized take on, and compliance with the above requirements for, the species proposed for listing.
3. Provide that if a species proposed for listing becomes listed as an endangered, threatened, or candidate species, then further authorization or approval would not be required for a take of that species.

Related Legislation:

AB 1581 (Kalra, Chapter 681, Statutes of 2024) establishes the Restoration Management Permit, which requires restoration projects to provide a net conservation benefit above baseline conditions, and extends CDFW's authority to issue a consistency determination on Safe Harbor agreements.

AB 3238 (Garcia, 2024) would have created exemptions from, and streamlining of, planning, environmental review, and environmental permitting processes for the development of electrical infrastructure projects, including Natural Community Conservation Plans.

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