

CONCURRENCE IN SENATE AMENDMENTS

AB 550 (Petrie-Norris)

As Amended June 25, 2026

Majority vote

SUMMARY

Allows the California Department of Fish and Wildlife (CDFW) to authorize by permit the take of a species-proposed-for-listing under the California Endangered Species Act (CESA), 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 take of that species.

Senate Amendments

- 1) Allow CDFW to authorize, through an incidental take permit (ITP), the take of a species-proposed-for-listing, as defined, as long as CDFW has sufficient information to determine measures to minimize and fully mitigate the impact of the take and there is sufficient funding to accomplish those measures.
- 2) Strike the ability for a research project to contribute toward mitigation requirements.
- 3) Recast the reporting requirement to instead require, on or before January 31, 2033, CDFW to compile and post on its website the projects that include a species-proposed-for-listing in the ITP and any additional information CDFW determines to be relevant.
- 4) Define a species-proposed-for-listing as a species that has been petitioned to be listed as endangered or threatened under CESA, before the species has been designated as a candidate species.

COMMENTS

CESA was enacted to prevent the extinction of fish, wildlife, and plant species and relies on scientific analysis to determine which species face extinction and then impose protections for those species that are in peril. 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. Species that are designated as "threatened" or "endangered" under CESA are referred to as "listed." 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 Fish and Game Commission makes a final decision regarding if the species should be listed or not.

ITPs are granted under CESA as exceptions to enable the otherwise prohibited take of a listed species during a 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.

Since 2010, the Fish and Game Commission has received 40 petitions to list species under CESA. 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).

According to the Author

"Under [CESA], protections apply not only to threatened and endangered species, but also to species designated as "candidates" for potential listing by the California Fish and Game Commission. Any "take" (e.g., catch, capture, or kill) of a candidate species is prohibited unless authorized by an [ITP] that fully mitigates the impact."

"Currently, when a species becomes a candidate, developers—such as those building housing or clean energy projects—must often pause work and undergo unexpected reviews and permitting at significant cost. This creates delays, adds uncertainty, and can impose unanticipated mitigation requirements. For renewable energy projects, delays in commercial operation can result in penalties as high as \$100,000 per day—costs that ultimately affect ratepayers."

"Allowing developers to apply for ITPs before a species becomes a candidate would improve planning timelines, giving them a chance to conduct required species studies—often limited to specific seasons—and address mitigation requirements proactively. This change would reduce late-stage delays and provide more flexibility for compliance."

Arguments in Support

The Large-scale Solar Association, sponsors of this bill, write that "allowing project developers to seek ITPs in advance of a species moving to candidacy gives developers improved sightlines and better timing flexibility to prepare for the costs, species reviews, and mitigation requirements of an ITP. By making this small adjustment to allow for ITPs earlier in the process, developers would have more flexibility in addressing issues and avoiding late-stage project delays. In the clean energy context, late-stage project delays drive up the cost of electricity generation and threaten reliability targets – both of which impact ratepayers."

Arguments in Opposition

According to the SFV Alliance, writing in opposition: "This bill is narrowly tailored to just construction of Renewable energy projects. If it is solid in it's premise and the stated goal of protecting at-risk species and its habitats, it should be effective enough for all other construction processes including but not limited to; natural gas generation facilities, hydrogen potential generating project, nuclear generating facilities, new highway projects and building of all structures including single family homes. We ask the Author to amend the legislation to include all construction or for this [this bill to be rejected]."

FISCAL COMMENTS

1) According to the Senate Appropriations Committee, this bill has the following fiscal impact:

- 2) 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.
- 3) CDFW notes that this bill would likely increase the number of [ITPs] issued by CDFW, 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.

VOTES:

ASM WATER, PARKS, AND WILDLIFE: 13-0-0

YES: Papan, Jeff Gonzalez, Alvarez, Ávila Farías, Bains, Bennett, Boerner, Caloza, Hart, Macedo, Celeste Rodriguez, Rogers, Tangipa

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 76-0-3

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Bryan, Jackson, Kalra

UPDATED

VERSION: June 25, 2026

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FN: 0004154