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## Public Law Update - Governor Signs New Endangered Species Protections Into Law

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On October 11, 2025, Governor Gavin Newsom signed Assembly Bill 1319 (“AB 1319”) into law. The bill aims to ensure “no backsliding as a result of a decrease in endangered or threatened species protections by the federal government.”

AB 1319 requires the California Department of Fish and Wildlife (“CDFW”) to monitor actions by the federal government that could result in a decrease in endangered or threatened species protections by the federal government. Such federal actions could include congressional amendments to the federal Endangered Species Act of 1973, a rulemaking or amendment to federal regulations, an executive order, or an action by the Endangered Species Committee, that would reduce the level of protection to one or more federally listed species by delisting a species, changing the listing status of a species from endangered to threatened, eliminating or changing the prohibitions on take, or decreasing the amount of mitigation required. If the federal government takes any such action, and CDFW determines that the action will have a substantial impact on one or more federally listed species within California and that listing the species as a provisional candidate species could significantly reduce such impacts, CDFW must publish findings in the California Regulatory Notice Register along with a statement that the affected species is deemed a provisional candidate species.

CDFW must report any federally listed species that are listed as provisional candidate species to the California Fish and Game Commission. If ongoing protection is warranted, the Commission may direct CDFW to prepare a status review and proceed with the process for listing the species as endangered or threatened under the California Endangered Species Act (“CESA”).

Provisional candidate species will have the same protections afforded to candidate species. Any species added as a provisional candidate species will remain a provisional candidate species until December 31, 2031, unless removed by the Commission or listed as an endangered or threatened species under CESA.

During the pendency of a provisional candidacy for a species, an entity operating under a federal take authorization in effect before January 19, 2025 shall not be liable for criminal or civil penalties, as

long as the entity is in full compliance with the applicable federal biological opinion, incidental take permit, incidental take statement, conservation benefit agreement, or other applicable rules.

AB 1319 also makes it unlawful 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 state or federal law with regard to fish, wildlife, or plants in effect on January 19, 2025. These actions are a misdemeanor, punishable by a fine ranging from \$5,000 to \$50,000, imprisonment, or both.

AB 1319 will become inoperative on December 31, 2031, and is repealed on January 1, 2032.

Burke, Williams & Sorensen, LLP regularly advises clients on legal matters relating to protected and special status species in the context of CEQA, land use, and planning issues.

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