STATE OF CALIFORNIA
Budget Change Proposal - Cover Sheet
DF-46 (REV 03/25)

Fiscal Year	Business Unit Number	Department
2026-27	3600	Fish and Wildlife

Hyperion Budget Request Name	Relevant Program or Subprogram
3600-071-BCP-2026-GB	2590

Budget Request Title
Protecting California's Federally Listed Species (AB 1319)

Budget Request Summary
The California Department of Fish and Wildlife requests 5 permanent positions, $1.4 million General Fund in fiscal year 2026-27 and $1.3 million in 2027-28 through 2031-32 to implement requirements imposed by Chapter 639, Statutes of 2025 (Assembly Bill 1319) through the bill's sunset date.

Requires Legislation (submit required legislation with the BCP)	Code Section(s) to be Added/Amended/Repealed
☐ Trailer Bill Language ☐ Budget Bill Language ☒ N/A	Click or tap here to enter text.

Does this BCP contain information technology (IT) components? ☐ Yes ☒ No *If yes, departmental Chief Information Officer must sign.*	Department CIO	Date
	Click or tap here to enter text.	Click or tap to enter a date.

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), the approval date, and the total project cost.

Project No. Click or tap here to enter text.

Approval Date: Click or tap to enter a date.

Project Approval Document: Click or tap here to enter text.

Total Project Cost: Click or tap here to enter text.

If proposal affects another department, does other department concur with proposal? ☐ Yes ☐ No
Attach comments of affected department, signed and dated by the department director or designee.

Prepared By	Date	Reviewed By	Date
		Nicole Nelson	1/9/2026

Department Director	Date	Agency Secretary	Date
Valerie Termini	1/9/2026	Bryan Cash	1/9/2026

Department of Finance Use Only

Additional Review: ☐ Capital Outlay ☐ ITCU ☐ FSCU ☐ OSAE ☐ Dept. of Technology

Principal Program Budget Analyst	Date submitted to the Legislature
Andrew Hull	1/9/2026

A. Problem Statement

Assembly Bill (AB) 1319 created a new species listing process and expanded enforcement authority to ensure adequate protection of threatened and endangered species in California in the event of federal rollback of protections for species currently protected by the federal Endangered Species Act. While the Department agrees with the need to protect these species, the Department will not be able to implement AB 1319 without additional resources.

The federal administration has indicated intentions to reduce protections for federally listed species and has initiated formal rulemaking processes to accomplish this reduction. In response, Governor Newsom signed AB 1319 on October 11, 2025, to enable the Department to implement a meaningful stopgap to protect those species that experience a reduction in federal protections. This includes:

- Expanding the Department's law enforcement authority related to illegal trade of fish, wildlife, and plants.
- Monitoring federal actions that could result in a decrease of protection for federally protected species.
- Evaluating whether federal actions will substantially impact those species.
- Determining whether listing those species as provisional candidates under the California Endangered Species Act (CESA) would substantially reduce species impacts.
- Preparing status reviews for provisional candidate species at the request of the Fish and Game Commission (Commission).

Up to 160 federally listed species could become eligible for listing as provisional candidates under CESA. Federally listed species at risk of decreased protections include but are not limited to the monarch butterfly, the western snowy plover, California red-legged frog, Point Arena mountain beaver, and green sea turtles. To fully implement this bill and protect the habitat and rich biodiversity of California, the Department will need to expand the number of scientific and legal staff to monitor federal actions, evaluate impacts on species, conduct status reviews, add species to the list of provisional candidates, develop protective measures and guidance, and implement permitting and conservation programs for the federally listed species that will be listed pursuant to CESA as a result of this process.

Workload History*

Workload Measure	PY - 4	PY - 3	PY - 2	PY-1	PY	CY
Number of provisional candidate listings per year*	n/a	n/a	n/a	n/a	n/a	n/a

*Provisional candidate species listing is a new workload and is therefore not represented in the workload history table.

B. Justification

CESA, as enacted in 1970 and amended in 1984, prohibits the import, export, take, possession, purchase, or sale of species listed as candidates, threatened, or endangered.

Presently, when a species is petitioned to be listed under CESA, the Department prepares a petition evaluation and, if the petition is accepted, a status review for the Commission, a legally separate entity from the Department. The status review process takes a year or more and involves a review of all available information pertaining to the species, including meetings with species experts and other interested stakeholders, in an effort to determine whether the species warrants listing under CESA. After receiving the Department's status review, the

Commission makes the final determination on whether to list a species as endangered or threatened. The Department serves in a scientific advisory role to the Commission during this review process. The Commission develops the legal findings necessary to support those decisions. Additionally, once species are listed pursuant to CESA the Department conducts species reviews every five years to determine if the conditions that led to the original listing are still present. Status reviews and five-year species reviews are typically completed by headquarters staff in the Habitat Conservation Planning Branch (Native Plant Program), Wildlife Branch, Fisheries Branch, and Marine Region. Preparation of these documents is supported by Geographic Information System (GIS) staff, the Office of the General Counsel staff who review documents and provide legal guidance, and the Office of Tribal Affairs who support tribal outreach and consultation consistent with the Department's Tribal Communication and Consultation Policy.

To address concerns that the federal administration will reduce protections of species, AB 1319 requires the Department to monitor federal actions for reductions in species protection. These actions may include an act by the United States congress to amend the federal Endangered Species Act (ESA), a rulemaking or amendment to regulations by either the United States Fish and Wildlife Service or the National Marine Fisheries Service, an executive order by the President of the United States, or an action by the Endangered Species Committee. Since January of 2025, several executive orders have been issued by the President that directly weaken the protections of species listed under the federal ESA. In addition, the United States Fish and Wildlife Service or the National Marine Fisheries Service have initiated a formal rulemaking to repeal the rule defining the term "harm" in the federal ESA. This single regulatory act could result in a reduction of protections for every one of the 160 federally listed species. Finally, the Endangered Species Committee can override the federal ESA and authorize otherwise prohibited activities, such as, reducing or bypassing federal environmental regulations and permitting requirements in order to streamline and expand timber infrastructure and energy production in the United States.

For species that are federally listed but not state listed and for which the federal government reduces protections, AB 1319 creates a new process to list those federally listed species pursuant to CESA as "provisional candidates." If the Department determines a decrease in federal protections would result in a substantial impact to a federally listed species and that listing the species as a provisional candidate under CESA could significantly reduce the substantial impact, the Department will prepare written findings and publish a determination to list the species as a provisional candidate under CESA in the California Regulatory Notice Register. This new process of monitoring and provisional listing will help ensure vulnerable species in California that are currently protected by the federal ESA remain protected by streamlining the path to CESA candidacy. It will also create a substantial new workload for the Department. The Department will need to continually monitor actions by the President, Congress, the United States Fish and Wildlife Service or the National Marine Fisheries Service, and the Endangered Species Committee and analyze existing information on the current status of federally listed species, including population size and trends, distribution of the species in California, management actions, and impacts of existing threats. For some species, this information may not be readily available or up to date. Conducting the analyses necessary to determine whether federally listed species should be listed as provisional candidates under CESA would create new responsibilities and increase workload for the Department. Department scientific staff will evaluate whether the species should be protected under CESA and will write and work with the Department's legal staff to publish findings to that effect. Monitoring the federal government's actions and reviewing listing status will begin immediately.

The Department requests resources to meet the new provisional candidate species workloads created by AB 1319. The bill will sunset January 1, 2032, however, the need for these positions and much of the workload will continue beyond the sunset date. As outlined in AB 1319, provisional candidates for which the Commission requests status reviews may become listed

under CESA. For each species added to the list of threatened or endangered species under CESA, new responsibilities are created that will continue as long as the species remains listed—these include five-year status reviews, recovery plans, scientific research permits, and take authorizations associated with projects. Wildlife trafficking and related illegal activities will continue beyond the term of the bill.

The five positions will support provisional candidate species evaluation and listing, including listing coordinators in fisheries, wildlife, native plants, and marine programs and a provisional candidate listing attorney. These resources will allow the Department to implement a meaningful stopgap for species with a reduction in federal protections. Specifically, it will allow the Department to: 1) monitor regulatory, legislative, judicial, and administrative actions, as well as proposed state legislation and regulatory changes, particularly those related to protections for species in California; 2) analyze and track legislation and regulations and develop recommendations; 3) prepare scientific and supporting documentation such as those required for provisional listings and publishing written findings in the California Regulatory Notice Register.

C. Departmentwide and Statewide Considerations

Funding this proposal will contribute to the broader mission of the Department to conserve and protect California's biodiversity and the habitats upon which they depend including meeting specific program mission statements such as *conserving the rich diversity of California's native wildlife, which includes thousands of terrestrial invertebrates and more than 700 species of mammals, birds, reptiles, and amphibians, protecting, maintaining, enhancing, and restoring California's marine ecosystems for their ecological values, and to champion California's botanical diversity and protect native plants from extinction in the wild.*

This request will also help the Department achieve goals declared by the legislature as priorities of the state including;

- Fish and Game Code 2051. b) Legislative findings and declarations

  Other species of fish, wildlife, and plants are in danger of, or threatened with, extinction because their habitats are threatened with destruction, advance modification, or severe curtailment, or because of overexploitation, disease, predation, or other factors.

- Fish and Game Code 2052. Protection and enhancement of species; Acquisition of lands

  The Legislature further finds and declares that it is the policy of the state to conserve, protect, restore, and enhance any endangered species or any threatened species and its habitat and that it is the intent of the Legislature, consistent with conserving the species, to acquire lands for habitat for these species.

- Fish and Game Code 2055. Conservation efforts by state agencies, boards, and commissions

  The Legislature further finds and declares that it is the policy of this state that all state agencies, boards, and commissions shall seek to conserve endangered species and threatened species and shall utilize their authority in furtherance of the purpose of this chapter.

D. Outcomes and Accountability

The new permanent staff will implement the new requirements imposed by AB 1319, including but not limited to:

- Monitoring federal actions to 160 federally listed species to determine if those actions result in a decrease in federal protections. The Department would first develop a plan and coordinate with staff on how to monitor loss of protections of federally listed

species. This would include careful ongoing review of federal publications as well as a significant number of federal ESA-related documents.

- Analyzing impacts to federally listed species to determine if loss of federal protections would significantly impact the species and if listing those species as provisional candidates under CESA would significantly reduce impacts. This would include coordination with Department staff to establish criteria and considerations for adding federal listed species to the list of provisional candidates under CESA, analyze existing information on the current condition of species including information on population trends, distribution, management, mitigation requirements, and the degree and immediacy of impacts to these species in relation to all existing threats.
- Preparing and publishing findings in the California Regulatory Notice Register for each listed provisional candidate species and reporting provisional species added to the list at Commission meetings following listing determination.

E. Implementation Plan

Implementation of this proposal would begin on July 1, 2026, or upon enactment of the 2026-27 Budget Act.

Once approved, the appropriate division, region, or branch would advertise, interview, and hire staff. Once hired and onboarded, those staff would develop and implement the plans, templates, and processes for monitoring regulatory, legislative, judicial and administrative actions as well as provisional candidate listing.

F. Supplemental Information

N/A

BCP Fiscal Detail Sheet

(Dollars in Thousands)

BCP Title: Protecting California's Federally Listed Species (AB 1319)

BR Name: 3600-071-BCP-2026-GB

Budget Request Summary

Personal Services

Personal Services	FY26 Current Year	FY26 Budget Year	FY26 BY+1	FY26 BY+2	FY26 BY+3	FY26 BY+4
Positions - Permanent	0.0	5.0	5.0	5.0	5.0	5.0
Total Positions	**0.0**	**5.0**	**5.0**	**5.0**	**5.0**	**5.0**
Earnings - Permanent	0	592	592	592	592	592
Total Salaries and Wages	**$0**	**$592**	**$592**	**$592**	**$592**	**$592**
Total Staff Benefits	0	343	343	343	343	343
Total Personal Services	**$0**	**$935**	**$935**	**$935**	**$935**	**$935**

Operating Expenses and Equipment

Operating Expenses and Equipment	FY26 Current Year	FY26 Budget Year	FY26 BY+1	FY26 BY+2	FY26 BY+3	FY26 BY+4
5301 - General Expense	0	25	25	25	25	25
5302 - Printing	0	5	5	5	5	5
5304 - Communications	0	5	5	5	5	5
5306 - Postage	0	5	5	5	5	5
5320 - Travel: In-State	0	25	25	25	25	25
5322 - Training	0	25	25	25	25	25
5324 - Facilities Operation	0	55	55	55	55	55
5326 - Utilities	0	10	10	10	10	10
5342 - Departmental Services	0	213	213	213	213	213
5346 - Information Technology	0	20	10	10	10	10
5368 - Non-Capital Asset Purchases - Equipment	0	30	0	0	0	0
Total Operating Expenses and Equipment	**$0**	**$418**	**$378**	**$378**	**$378**	**$378**

Total Budget Request

Total Budget Request	FY26 Current Year	FY26 Budget Year	FY26 BY+1	FY26 BY+2	FY26 BY+3	FY26 BY+4
Total Budget Request	**$0**	**$1,353**	**$1,313**	**$1,313**	**$1,313**	**$1,313**

Fund Summary

Fund Source

Fund Source	FY26 Current Year	FY26 Budget Year	FY26 BY+1	FY26 BY+2	FY26 BY+3	FY26 BY+4
State Operations - 0001 - General Fund	0	1,353	1,313	1,313	1,313	1,313
Total State Operations Expenditures	**$0**	**$1,353**	**$1,313**	**$1,313**	**$1,313**	**$1,313**
Total All Funds	**$0**	**$1,353**	**$1,313**	**$1,313**	**$1,313**	**$1,313**

Program Summary

Program Funding

Program Funding	FY26 Current Year	FY26 Budget Year	FY26 BY+1	FY26 BY+2	FY26 BY+3	FY26 BY+4
2590 - Biodiversity Conservation Program	0	1,353	1,313	1,313	1,313	1,313
Total All Programs	**$0**	**$1,353**	**$1,313**	**$1,313**	**$1,313**	**$1,313**

Personal Services Details

Positions

Positions	FY26 Current Year	FY26 Budget Year	FY26 BY+1	FY26 BY+2	FY26 BY+3	FY26 BY+4
0765 - Sr Envirnal Scientist (Spec) (Eff. 07-01-2026)	0.0	4.0	4.0	4.0	4.0	4.0
5780 - Attorney IV (Eff. 07-01-2026)	0.0	1.0	1.0	1.0	1.0	1.0
Total Positions	**0.0**	**5.0**	**5.0**	**5.0**	**5.0**	**5.0**

Salaries and Wages

Salaries and Wages	FY26 Current Year	FY26 Budget Year	FY26 BY+1	FY26 BY+2	FY26 BY+3	FY26 BY+4
0765 - Sr Envirnal Scientist (Spec) (Eff. 07-01-2026)	0	428	428	428	428	428
5780 - Attorney IV (Eff. 07-01-2026)	0	164	164	164	164	164
Total Salaries and Wages	**$0**	**$592**	**$592**	**$592**	**$592**	**$592**

Staff Benefits

Staff Benefits	FY26 Current Year	FY26 Budget Year	FY26 BY+1	FY26 BY+2	FY26 BY+3	FY26 BY+4
5150450 - Medicare Taxation	0	11	11	11	11	11
5150500 - OASDI	0	39	39	39	39	39
5150600 - Retirement - General	0	188	188	188	188	188
5150800 - Workers' Compensation	0	11	11	11	11	11
5150900 - Staff Benefits - Other	0	94	94	94	94	94
Total Staff Benefits	**$0**	**$343**	**$343**	**$343**	**$343**	**$343**

Total Personal Services

Total Personal Services	FY26 Current Year	FY26 Budget Year	FY26 BY+1	FY26 BY+2	FY26 BY+3	FY26 BY+4
Total Personal Services	**$0**	**$935**	**$935**	**$935**	**$935**	**$935**