California endangered species act pdf

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chapter shall be known and may be cited as the California Endangered Species Act. CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2051. Legislative findings and declares all of the following:(a) Certain species of fish, wildlife, and plants have been rendered extinct as a consequence of man's activities,
untempered by adequate concern and conservation. (b) Other species of fish, wildlife, and plants are in danger of, or threatened with destruction, disease, predation, or other factors. (c) These species of fish, wildlife, and
plants are of ecological, educational, historical, recreational, esthetic, economic, and scientific value to the people of this state, and the conservation, protection, and enhancement of these species and their habitat is of statewide concern. CREDIT(S)(Added by Stats. 1984, c. 1240, § 2.) § 2052. Legislative findings, declarations and intent; state policy
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. CREDIT(S)(Added by Stats.1984, c. 1240,
§ 2.) § 2052.1. Mitigation measures or alternatives; impact on a candidate species, threatened species, or endangered species, the measures or alternatives to address a particular impact on a candidate species, threatened species, the measures or alternatives and declares that if any provision of this chapter requires a person to provide mitigation measures or alternatives.
required shall be roughly proportional in extent to any impact on those species that is caused by that person. Where various measures or alternatives are available to meet this obligation, the measures or alternatives are available to meet this obligation, the measures or alternatives are available to meet this obligation, the measures or alternatives are available to meet this obligation, the measures or alternatives are available to meet this obligation.
alternatives shall be capable of successful implementation. This section governs the full extent of mitigation measures or alternatives that may be imposed on a person pursuant to this chapter. This section governs the full extent of mitigation set forth in Section 2052. CREDIT(S)(Added by Stats.1997, c. 567 (S.B.879), § 1. Amended by Stats.1998, c.
485 (A.B.2803), § 74.) § 2053. Legislative findings and declarations; alternative state agency projects (a) The Legislature further finds and declares that it is the policy of the state that public agencies or threatened species or result in
the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat which would prevent jeopardy.(b) Furthermore, it is the policy of this state and the intent of the Legislature that reasonable and prudent
alternatives shall be developed by the department, together with the project proponent and the state lead agency, consistent with conserving the species, while at the same time maintaining the project purpose to the greatest extent possible. Credits (Added by Stats. 1984, c. 1240, § 2. Amended by Stats. 2018, c. 329 (S.B. 473), § 1, eff. Jan. 1, 2019.) §
2054. Legislative findings and declarations; state project approved if appropriate mitigation and enhancement measures The Legislature further finds and declares that, in the event specific economic, social, or other conditions make infeasible such alternatives, individual projects may be approved if appropriate mitigation and enhancement measures are
provided.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2055. Legislature further finds and declares that it is the policy; conservation of endangered and threatened species and threatened species and threatened species.
species and shall utilize their authority in furtherance of the purposes of this chapter. CREDIT(S)(Added by Stats. 1984, c. 1240, § 2.) § 2056. Legislature further finds and declares that the cooperation of the owners of land which is identified as habitat for endangered
species and threatened species is essential for the conservation of those species and that it is the policy of this state to foster and encourage that cooperation in furtherance of the purposes of this chapter. Therefore, a landowner of property on which an endangered, threatened, or candidate species lives shall not be liable for civil damages for injury
to employees of, or persons under contract with, the department if the injury occurs while those persons are conducting survey, management, or recovery efforts with respect to those species. CREDIT(S)(Added by Stats.1984, c. 1240, § 2. Amended by Stats.1984, c. 1240, § 2. Amended by Stats.1987, c. 286, § 1.)
govern the construction of this chapter. CREDIT(S) (Added by Stats. 1984, c. 1162, § 6; Stats. 1984, c. 1240, § 2.) § 2061. Conserve; conserving; conservation "conserve; conserving; conservation" mean to use, and the use of, all methods and procedures which are necessary to bring any endangered species or threatened species to the point at
which the measures provided pursuant to this chapter are no longer necessary. These methods and procedures include, but are not limited to, all activities associated with scientific resources management, such as research, census, law enforcement, habitat acquisition, restoration and maintenance, propagation, live trapping, and transplantation, and,
in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking. CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2062. Endangered species "Endangered species "Endangered species "Endangered species "Endangered species "Endangered species of a bird, mammal, fish, amphibian, reptile, or plant which is in serious
danger of becoming extinct throughout all, or a significant portion, of its range due to one or more causes, including loss of habitat, change in habitat, overexploitation, predation, competition, or disease. Any species determined by the commission as "endangered" on or before January 1, 1985, is an "endangered species." (REDIT(S) (Added by
Stats.1984, c. 1162, § 6; Stats.1984, c. 1240, § 2.) § 2063. Feasible "Feasible" means feasible "Feasible" means feasible "Feasible" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project as defined in Section 21065 of the Public Resources Code.CREDIT(S)(Added by Stats.1984, c. 1240, § 2.) § 2064. Project "Project" means project "Project" means project "Project" means 
2064.5. "Recover" and "recovery" defined "Recovery" mean to improve, and improvement in, the status of a species to the point at which listing is no longer appropriate under the criteria set out in this chapter and any regulations adopted thereunder, and, if the department has approved a recovery plan, satisfaction of the conditions of
that plan. Credits (Added by Stats. 2018, c. 329 (S.B. 473), § 2, eff. Jan. 1, 2019.) § 2065. State lead agency "State lead agency under the California Environmental Quality Act (Division 13 (commencing with Sec. 21000) of the Public Resources Code). CREDIT (S) (Added by Stats. 1984,
c. 1240, § 2.) § 2067. Threatened species "Threatened species of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened species in the foreseeable future in the absence of the special protection and management efforts required
by this chapter. Any animal determined by the commission as "rare" on or before January 1, 1985, is a "threatened species." CREDIT(S)(Added by Stats.1984, c. 1162, § 6; Stats
commission has formally noticed as being under review by the department for addition to either the list of endangered species for which the commission has published a notice of proposed regulation to add the species for which the commission has published a notice of proposed regulation to either list.CREDIT(S)(Added by Stats.1984, c. 1162, § 6; Stats.1984, c. 1240, § 2.) §
2069. Mitigation actions relating to solar thermal and photovoltaic powerplants in Desert Renewable Energy Plan planning area - Repealed by Stats. 2018, c. 329 (S.B. 473), § 3, eff. Jan. 1, 2019Former Text:(a) For purposes of this section, the following terms have the following meanings:(1) "Desert Renewable Energy Conservation Plan" means the
completed conservation plan in the Mojave and Colorado Desert regions adopted pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800)), and covers the geographical area described in the Draft Planning Agreement, as amended by, and among, the department, Energy Commission, United States
Bureau of Land Management, and United States Fish and Wildlife Service for the Desert Renewable Energy Commission. (b) The department, in consultation with the Energy Commission and, to the extent practicable, the United States Fish
and Wildlife Service and the United States Bureau of Land Management, may design and implement actions, including the purchase of land and conservation easements, to protect, restore, or enhance the habitat of plants and wildlife that can be used to fully mitigate the impacts of the take of endangered species, threatened species, or candidate
species, for purposes of paragraph (2) of subdivision (b) of Section 2081 and Chapter 6 (commencing with Section 25500) of Division 15 of the Public Resources Code, resulting from solar thermal, photovoltaic, wind, and geothermal powerplants in the Desert Renewable Energy Conservation Plan planning area that meet either of the following
requirements:(1) Either the Energy Commission determines that the application for certification is complete by December 31, 2011, or the lead agency for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) has determined the project permit application is complete or has
issued a notice of preparation of an environmental impact report by December 31, 2011.(2) The developer or owner of the proposed powerplant or generation facility has applied for, and would qualify for, funding under the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).1 For purposes of this paragraph, "funding" means
a loan guarantee made pursuant to Section 406 of the act (42 U.S.C. Sec. 16516) or a grant for specified energy property in lieu of a tax credit provided pursuant to Section 1603 of Division B of the act, which division is titled the American Recovery and Reinvestment Tax Act of 2009.(c) A mitigation action may only be used for the mitigation purposes
described in subdivision (b) if it meets one of the following conditions:(1) The department has implemented the mitigation action and determined that the action has resulted in the protection, restoration, or enhancement of the habitat of one or more species that are proposed to be covered by the Desert Renewable Energy Conservation Plan, and that
are located in the planning area, and, based upon that determination, can be used, for purposes of paragraph (2) of subdivision (b) of Section 2081, to fully mitigate for the impacts of the take of those species from one or more projects that meet the requirement of subdivision (b).(2) The mitigation action is included in an interim mitigation strategy for
projects that meet the requirement of subdivision (b). An interim mitigation strategy pursuant to this paragraph shall be developed by the department, in consultation with the Energy Commission and, to the extent practicable, the United States Fish and Wildlife Service and the United States Bureau of Land Management, and shall include all of the
following:(A) A description of specific actions on public or private land within the Desert Renewable Energy Conservation areas and specific actions on habitat preservation, while also including enhancement or restoration actions that will do all of the following:(i) Contribute to the
conservation of each candidate species, or endangered species for which a permit is issued.(ii) Adopt a regional planning perspective that provides a foundation for, or that will complement, any conservation strategy to be developed for the Desert Renewable Energy Conservation Plan.(iii) Implement mitigation actions within a
reasonable period of time relative to the impact to the affected candidate species, including, where feasible, advance mitigation of, future impacts to natural resources.(iv) Include a description of the
species that would be benefited by each mitigation action and how it would be benefited.(B) A cost estimate for each action, whether on public or private land, using total costs, monitoring costs, transaction costs, transaction costs, the amount of a perpetual
endowment account for land management or easement stewardship costs by the department or other management entity, and administrative costs.(d) The interim mitigation strategy shall be based on best available science and shall be reviewed by the Desert Renewable Energy Conservation Plan independent science advisers. The department shall
seek and consider comments from the Desert Renewable Energy Conservation Plan independent science advisers in the department elects to not incorporate comments of the independent science advisers into mitigation actions, the department shall explain the
reasons for that decision in writing.(e) The interim mitigation strategy shall be completed by the department no later than 60 days following the requirements of Section 2081, including the requirement to avoid and minimize impacts, where feasible, or the
requirements of Division 13 (commencing with Section 21000) of, or Chapter 6 (commencing with Section 25500) of Division 15 of, the Public Resources Code, or affect the existing authority of the department to authorize mitigation actions to comply with this chapter. (2) With respect to the Energy Commission, in the case of an applicant seeking
certification for a solar thermal or geothermal powerplant pursuant to Chapter 6 (commencing with Section 2500) of Division 15 of the Public Resources Code, in the case of an applicant seeking approval of a renewable energy powerplant not subject to the Energy
obligations with respect to mitigating the powerplant's impacts to species and habitat. The mitigation action and deposit of fees shall not relieve the applicant of Division 13 (commencing with Section 21000) of, or the requirements of Chapter 6
(commencing with Section 25500) of Division 15 of, the Public Resources Code to analyze, avoid, minimize, or mitigate impacts to species and habitat, or make the findings required by those statutes.(g) The mitigation actions implemented pursuant to this section shall be incorporated into the Desert Renewable Energy Conservation Plan upon the
finalization of the plan, to the extent the mitigation actions are consistent with the plan's conservation strategy. Credits (Added by Stats. 2011-2012, 1st Ex. Sess., c. 10 (A.B.13), § 1, eff. Dec. 10, 2011; Stats. 2015, c. 154 (A.B.1527), § 50, eff. Jan. 1, 2016.) § 2070.
Establishment of lists; addition or removal of species from either list if it finds, upon the receipt of sufficient scientific information pursuant to this article, and based solely upon the best available scientific
to remove a species from either the list of endangered or threatened or 
(Added by Stats.1984, c. 1162, § 6.) § 2072. Petition; requirements The petition shall be written, sha
scientific information that a petitioned action may be warranted. Petitions shall include information trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population trend, range, distribution, abundance, and life history of a species, the factors affecting the ability of the population trend, range, distribution, about a species and a species affecting the ability of the population trend, range, and the population trend, range affecting the ability of the ability of the population trend, range affecting the ability of the population trend, range affecting the ability of the population trend, range affecting the ability of the population trend, rang
suggestions for future management, and the availability and sources of information regarding the kind of habitat necessary for species survival, a detailed distribution map, and any other factors that the petitioner deems relevant. CREDIT(S)(Added by Stats. 1984, c. 1162, § 6.) § 2072.7. Recommendation for
listing or delisting species The department may, in the absence of a petition from an interested party, recommend to the commission that it add a species from, either the list of endangered species from, either the list of endangered species from, either the list of endangered species from the list of threatened species from the list of endangered spec
specified in Section 2072.3. A department recommendation under this section shall be considered by the commission as a petition with a departmental recommendation to accept and consider as described in subdivision (b) of Section 2073.5, and is subject to Sections 2074 to 2079, inclusive.CREDIT(S)(Added by Stats.1984, c. 1162, § 6.) § 2073.
Reference of petition to department; time Within 10 days of the receipt of a petition from an interested person under Section 2072.3, the commission shall refer the petition; requisites (a) The commission shall publish a notice in the California
Regulatory Notice Register of the receipt of a petition prepared pursuant to Section 2072.3 by the department, or by an interested party and referred to the department, pursuant to Section 2073, or the commencement of an evaluation, to add a species from, or change the status of a species on, the list of endangered species or
The commission shall notify interested persons pursuant to Section 2078, by mail, of the notices prepared pursuant to subdivision (a), and shall mail a copy of the notice to those persons. CREDIT(S)(Added by Stats.1991, c. 974 (S.B.403), § 1. Amended by Stats.1997, c. 515 (A.B.605), § 1.)
information (a) A person may submit information to the department relating to the petition pursuant to Section 2073.5. The information pursuant to subdivision (a), the department shall notify the
petitioner regarding its content. Credits (Added by Stats. 1997, c. 515 (A.B.605), § 2. Amended by Stats. 2018, c. 329 (S.B.473), § 5, eff. Jan. 1, 2019.) § 2073.5. Evaluation of petition; report; recommendations (a) Within 90 days of receipt of the petition, the department shall evaluate the petition on its face and in relation to other relevant information the
department possesses or receives, and submit to the commission its written evaluation report with one of the following recommendations to indicate that the petitioned action may be warranted, and the petition should be rejected. (2) Based
upon the information contained in the petition, there is sufficient information to indicate that the petitioned action may be warranted, and the petition should be accepted and considered. (b) Upon the request of the director, the commission may grant the department an extension of time, not to exceed 30 days, to allow the department additional times.
to further analyze and evaluate the petition and complete its evaluation report.(c) The department bursuant to subdivision (a) of Section 2073.4 during its evaluation of the petition. If copies are not included, the report shall state where the listed
information is available for review.CREDIT(S)(Added by Stats.1984, c. 1162, § 6. Amended by Stats.1997, c. 515 (A.B.605), § 3.) § 2073.7. Amendment of petition at any time prior to the beginning of the meeting held by the commission pursuant to Section 2074.2. However, if the commission determines that the
amendment is substantive, the commission shall resubmit the petition to the department for review pursuant to Section 2073.3, and renotice or continue any hearing scheduled pursuant to Section 2074 in order to provide adequate opportunity for public comment.CREDIT(S)(Added by
Stats.1997, c. 515 (A.B.605), § 4.) § 2074. Petition; scheduling on meeting agenda; availability for review The commission shall schedule the petition and public release of the evaluation report, and distribute its pending agenda to interested persons
pursuant to Section 2078. The commission also shall make the petition, evaluation report, and other materials received available for review. CREDIT(S)(Added by Stats.1984, c. 1162, § 6. Amended by Stats.1997, c. 515 (A.B.605), § 5.) § 2074.2. Public hearing on petition; consideration of petition at meeting; findings; distribution (a) At the meeting
scheduled pursuant to Section 2074, the commission shall hold a public hearing on the petitioner, or any other persons, the commission may close the public hearing and administrative
record for the commission's decision pursuant to this section.(b) After the commission is closed and it shall not be reopened except as provided in subdivision (c). Once the public hearing is closed, no person shall submit further information to the commission for
consideration on that petition and the commission shall not accept any further information for consideration on that petition except as provided in subdivision (c).(c) The administrative record for the commission's decision pursuant to this section shall not be reopened once the commission closes the public hearing unless one of the following occurs
prior to the commission's decision:(1) There is a change in state or federal law or regulation that has a direct and significant impact on the commission determines that it requires further information to
evaluate whether the petition provides sufficient information to indicate that the petitioned action may be warranted. If the commission makes that determination during its deliberation, the commission may request, on the record at the scheduled meeting or at a continued meeting, further information on any issue relevant to making its determination
as to whether the petition provides sufficient information to indicate that the petitioned action may be warranted. Any request by the commission and shall serve to reopen the administrative record for the limited purpose of receiving further
information relating to the issues specified by the commission in the request. Commission and department staff, the petitioner, or any other person may submit information in response to a request pursuant to this paragraph. If the commission and department staff, the petitioner, or any other person may submit information in response to a request pursuant to this paragraph. If the commission and department staff, the petitioner, or any other person may submit information in response to a request.
submitted information prior to the issuance of its decision.(d) In its discretion, the public hearing and continue both the public hearing and continue both the public hearing and continue to a subsequent date, which shall be no later than 90 days after the meeting
scheduled pursuant to Section 2074, and subject to applicable notice and agenda requirements. If the commission shall not receive, further information relating to the petition except as provided in subdivision (c).(e) At
the meeting scheduled pursuant to Section 2074 or at a continued meeting scheduled pursuant to subdivision (d), the commission shall consider the petition, the department's written report, written record one of the following
findings:(1) If the commission finds that the petition does not provide sufficient information to indicate that the petition is rejected, including the reasons why the petition is not sufficient.(2) If the commission finds that the petition provides sufficient
information to indicate that the petition accepted for consideration. If the accepted petition recommends the addition of a species to either the list of endangered species or the list of threatened species, the commission shall include in the notice that the
petitioned species is a candidate species. The commission shall maintain a list of species which are candidate species. (f) The commission shall publish and distribute the findings relating to the petition pursuant to Section 2078. Credits (Added by Stats. 1984, c. 1162, § 6. Amended by Stats. 1991, c. 974 (S.B. 403), § 2; Stats. 2013, c. 387 (S.B. 749), § 3;
Stats.2016, c. 201 (A.B.2549), § 1, eff. Jan. 1, 2017.) § 2074.4. Consideration of petition; notification of affected and interested parties and to solicit data and comments on the petitioned action from as many
persons as is practicable. In addition to commission efforts to provide notification through distribution of the commission agenda and minutes pursuant to Section 2078, the department shall immediately undertake efforts to notify affected and interested parties. Methods of notification may include, but are not limited to, correspondence, newspaper
notices, and press releases, and notification shall include notice to owners of that land which may provide habitat essential to the continued existence of the species, unless the director determines that ownership is so widespread, fragmented, or complex as to make individual notice impractical. CREDIT(S) (Added by Stats. 1984, c. 1162, § 6.) § 2074.6
Review of status of species; report The department shall promptly commence a review of the status of the species concerned in the petition. Within 12 months of the date of publication for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publication for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publication for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publication for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publication for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publication for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publication for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publication for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publication for consideration pursuant to paragraph (2) of subdivision (e) of Section 2074.2, the department shall produce and make publication for consideration pursuant to paragraph (2) of subdivision (e) of 
available on the department's Internet Web site a final written peer reviewed report, based upon the best scientific information available to the department, which indicates whether the petitioned action is warranted, which includes a preliminary identification of the habitat that may be essential to the continued existence of the species, and which
recommends management activities and other recommendations for recovery of the species. Prior to releasing the final written report, the department shall have a draft status review report prepared and independent peer reviewed, and upon receiving the peer reviewed the peer reviewed to the
and shall amend the draft status review report as appropriate. The revised report shall be posted on the department's Internet Web site for a minimum of 30 days for public review prior to the hearing scheduled pursuant to Section 2075. The commission may grant an extension of up to six months if the director determines an extension is necessary to
complete independent peer review of the report, and to provide a minimum of 30 days for public review of the peer reviewed report prior to the public hearing specified in Section 2075. Credits (Added by Stats. 2016, c. 201 (A.B. 2549), § 3, eff. Jan. 1, 2017.) § 2074.8. Independent
studies or assessment of species This article does not impose any duty or obligation for, or otherwise require, the department studies or other assessments of any species when reviewing a petition and its attendant documents and comments. However, the department shall seek independent scientific peer
review of the department's status report. The director may approve an extension of time for completion of the status report if necessary for the purposes of obtaining independent peer review pursuant to Section 2074.6.Credits(Added by Stats.1984, c. 1162, § 6. Amended by Stats.2013, c. 387 (S.B.749), § 7; Stats.2016, c. 201 (A.B.2549), § 5, eff. Jan.
1, 2017.) § 2075. Scheduling petition for final consideration; availability of reports The commission shall schedule the petition for final consideration at its next available meeting after receipt of the departmental report provided pursuant to Section 2078. The
commission shall make the department's report, or copies thereof, which was provided, pursuant to Section 2074.6, available for review upon request. (2075.5). Public hearing; final consideration at meeting; findings (a) At the meeting scheduled pursuant to Section 2075, the commission shall hold a
public hearing on the petition and shall receive information, written or otherwise, and oral testimony. After the commission may close the public hearing and the administrative record for the commission's decision pursuant to this section
any further information for consideration on that petition except as provided in subdivision (c).(c) The administrative record for the commission's decision pursuant to this section shall not be reopened once the commission's decision pursuant to this section shall not be reopened once the commission's decision pursuant to this section shall not be reopened once the commission's decision pursuant to this section shall not be reopened once the commission (c).(c) The administrative record for the commission (c).(c) The administrative record for the commission (c).(c) The administrative record for the commission (c).(d) The administrative record for the commission (c).(e) The administrative record for the commission (c) The ad
federal law or regulation that has a direct and significant impact on the commission's determination as to whether the petitioned action is warranted. (2) The commission makes that determination during its deliberation, the
commission may request, on the record at the scheduled meeting or at a continued meeting or at a continued meeting, further information on any issue relevant to making its determination as to whether the petitioned action is warranted. Any request by the commission pursuant to this paragraph shall specify a date by which the information must be submitted to the
commission and shall serve to reopen the administrative record for the limited purpose of receiving further information relating to the issues specified by the commission in the request pursuant to this paragraph.(d) The
commission, in its discretion, may either close the public hearing and the meeting on the petition for the purpose of deliberation or continue both the meeting scheduled pursuant to Section 2075, and subject to applicable notice and
agenda requirements. If the commission closes the public hearing but continues the meeting for the purpose of deliberation, a person shall not receive, further information relating to the petition except as provided in subdivision (c).(e) At the meeting scheduled pursuant to Section 2075, or at a continued meeting
scheduled pursuant to subdivision (d), the commission shall make one of the following findings based on the best available scientific information:(1) The petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned action is not warranted, in which case the finding shall be entered in the public records of the commission and the petitioned action is not warranted.
maintained pursuant to Section 2074.2.(2) The petitioned action is warranted, or the petitioned action is warranted but listing the petitioned species at a different status than that requested by the petitioned action is warranted, in which case the commission shall, within 30 days of adopting written findings, publish a notice of that finding and shall add
the species to, or remove the species from, the list of endangered species or the list of threatened species or the list of threatened species or the list of threatened species from, the list of threatened species or threatened species or the list of threatened species or threatened 
Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations to, and strikeout to indicate additions to, and strikeout to indicate additions.
regulation adding species to lists; notice Notwithstanding Sections 2071 to 2075.5, inclusive, the commission may adopt a regulation pursuant to Chapter 3.5 (commencing with Section 399) of Division 1 if the commission finds that
there is any emergency posing a significant threat to the continued existence of the species. The commission shall notify affected or interested persons of the adoption of the emergency regulation pursuant to the methods described in Section 2074.4.Credits(Added by Stats.1984, c. 1162, § 6. Amended by Stats.2016, c. 546 (S.B.1473), § 23, eff. Jan. 1
2017.) § 2077. Periodic review of listed species; deadline for initial review; report (a) Upon a specific appropriation, may, review species listed as an endangered species or as a threatened species every five years to determine if
the conditions that led to the original listing are still present. The review shall be conducted based on information available to the department. The review shall include a review of the identification of the habitat that may be essential to the
continued existence of the species and the department shall notify any person who has notified the commission, in writing with their address, of their interest, and the department may notify any person who has notified the commission, in writing with their address, of their interest, and the department may notify any person who has notified the commission, in writing with their address, of their interest, and the department may notify any person who has notified the commission, in writing with their address, of their interest, and the department may notify any person who has notified the commission, in writing with their address, of their interest, and the department may notify any person who has notified the commission.
subdivision (a) of species that are listed by both the commission and the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the five-year review process of the United States Department of the Interior shall be conducted in conjunction with the Interior shall be conjuncted in the Interior shall be conjuncted in the Interior shall be conjuncted in the 
government shall be undertaken and completed by July 1, 1987. Initial review of those species listed by the commission after January 1, 1982, that are not listed by the commission.(d) Notwithstanding any other provision of this
section, the commission or the department may review a species at any time based upon a petition or upon other data available to the department and the commission.(e) The department may review a species at any time based upon a petition or upon other data available to the department and the commission. (e) The department and the commission shall treat any report of the department under
Distribution of agenda and minutes of actions, the commission shall distribute the related agenda of pending listing or delisting actions and those portions of its minutes of actions taken under this article to any individuals who have notified the commission, in
writing with their address, of their interest. This notification shall be published in the California Regulatory Notice as required for commission action under Section 2073.3, 2074, 2074.2, 2075, or 2077.(b) The commission may impose an annual fee on those persons who request inclusion on
the list to be notified in order to offset the cost of establishing and maintaining the list, and preparing and mailing the notices. Fees received pursuant to this section shall be deposited in the Fish and Game Preservation Fund. CREDIT(S)(Added by Stats. 1984, c. 1162, § 6. Amended by Stats. 1991, c. 974 (S.B. 403), § 3.) § 2079. Report; summary of
status of listed species; contents The department shall, by January 30 of every third year, beginning January 30, 1986, prepare a report summarizing the status of all state listed endangered, threatened, and candidate species, and shall post the report on the commission's Internet Web site. This report shall include, but not be limited to, a listing of
those species designated as endangered, threatened, and candidate species, a discussion of the current status of endangered, threatened, or candidate species pursuant to this article. Credits (Added by Stats. 1984, c. 1162, § 6. Amended by Stats. 2001, c. 745 (S.B. 1191), § 50, eff. Oct. 12, 2001;
Stats. 2012, c. 728 (S.B.71), § 44.)§ 2079.1. Development and implementation of nonregulatory recovery plans (a) Upon a specific appropriation of funds by the Legislature, or if funding is otherwise available, the department may develop and implement nonregulatory recovery plans for the conservation and survival of species listed as an endangered
species or as a threatened species, unless the department finds that the recovery plans, shall, to the extent practicable, give priority to those endangered or threatened species, without regard to taxonomic classification, that are most
likely to benefit from a recovery plan, particularly those species populations that are, or may be, significantly affected by anticipated land use changes, climate change, or changes in aquatic conditions.(c) Each recovery plan shall be based on the best available scientific information and shall, at a minimum, include all of the following:(1) A description
of site-specific management actions necessary to achieve the recovery plan's goal for the conservation of this section, that the species be removed from the list of endangered species or the list of threatened species
as applicable.(3) Estimates of the time required and the cost to carry out those measures needed to achieve intermediate steps toward that goal.(d) The department, in developing and implementing a recovery plan and to achieve intermediate steps toward that goal.(d) The department, in developing and implementing a recovery plan and to achieve intermediate steps toward that goal.(d) The department, in developing and implementing a recovery plan and to achieve intermediate steps toward that goal.(d) The department, in developing and implementing a recovery plan and to achieve intermediate steps toward that goal.(d) The department, in developing and implementing a recovery plan and to achieve intermediate steps toward that goal.(d) The department, in developing and implementing a recovery plan and to achieve intermediate steps toward that goal.(d) The department, in developing and implementing a recovery plan and to achieve intermediate steps toward that goal.(d) The department is a second to achieve intermediate steps toward that goal.(d) The department is a second to achieve intermediate steps toward that goal is a second to achieve intermediate steps toward that goal is a second to achieve intermediate steps toward that goal is a second to achieve intermediate steps to achieve
institutions, and other qualified persons, in addition to data and appropriate information derived from the public process required pursuant to subdivision (a). (e) The department may, in its discretion, adopt, or may adopt with revisions, an existing federal recovery plan for a species described in subdivision (a) that is also listed as an endangered
species or a threatened species pursuant to Section 4 of the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1533) if the department finds that the recovery plan is consistent with the provisions of this section.(f) Subject to subdivision (a), and pursuant to subdivision (g), the department shall adopt guidelines and criteria to aid in the
implementation of this section. Upon adoption, the department of a recovery plan pursuant to subdivision (a), and adoption of guidelines and criteria pursuant to subdivision (f), shall be through a public process including at least one public meeting at which the department
provides landowners, local governments, and interested members of the public meeting shall be held in the recovery planning area.(h) Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
Title 2 of the Government Code does not apply to the development, adoption, or amendment of guidelines, criteria, or recovery plans pursuant to this section. Credits (Added by Stats. 2018, c. 329 (S.B. 473), § 8, eff. Jan. 1, 2019.) § 2080. Offense; exceptions No person or public agency shall import into this state, export out of this state, or take, possess
purchase, or sell within this state, any species, or attempt any of those acts, except as otherwise provided in this chapter, the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of this code), or the California
Desert Native Plants Act (Division 23 (commencing with Section 80001) of the Food and Agricultural Code). Credits (Added by Stats. 1984, c. 1240, § 2. Amended by Stats. 1984, c. 1240, § 2. Amended by Stats. 1984, c. 1240, § 3. Amended by Stats. 1984, c. 1240, § 4. Amended by Stats. 1984, c. 1240, § 5. Amended by Stats. 1984, c. 1240, § 6. Amended by Stats. 1984, c. 1240, § 7. Amended by Stats. 1984, c. 1240, § 7. Amended by Stats. 1984, c. 1240, § 8. Amended by Stats. 1984, c. 1240, 
(a) Notwithstanding any other provision of this chapter 10 (commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains from the United States Secretary of the Interior or the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains from the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains from the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains from the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains from the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains from the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains from the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains from the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains from the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains the United States Secretary of Commencing with Section 1925) of Division 2, but subject to subdivision (c), if any person obtains the United States Secretary of Commencing with Section 1925 (c) and the United States Secretary of Commencing with Section 1925 (c) and the United States Secretary of Commencing with Section 1925 (c) and the United States Secretary of 
Section 7 of the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1536) or an incidental take permit pursuant to Section 10 of that federal act (16 U.S.C. Sec. 1539) that authorizes the taking of an endangered species or a threatened species or a threatened species or a threatened species that is listed pursuant to Section 4 of that federal act (16 U.S.C. Sec. 1539) that authorizes the taking of an endangered species or a threatened species or a threat
species, threatened species, or a candidate species pursuant to this chapter, no further authorization or approval is necessary under this chapter for that person to take that endangered species pursuant to this chapter, no further authorization or approval is necessary under this chapter for that person to take that endangered species, or candidate species, or candidate species, or candidate species, or candidate species identified in, and in accordance with, the incidental take permit, if that person does all
of the following:(1) Notifies the director in writing that the person has received an incidental take statement or an incidental take permit issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.).(2) Includes
with the notice payment of the permit application fee required pursuant to Section 2081.2.(b) Upon receipt of the notice specified in paragraph (1) of subdivision (a), the director shall immediately have published in the General Public Interest section of the California Regulatory Notice Register the receipt of that notice.(c) Within 30 days after the
director has received the notice described in subdivision (a) that an incidental take permit has been issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine whether the incidental take permit has been issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine whether the incidental take permit has been issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine whether the incidental take permit has been issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine whether the incidental take permit has been issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine whether the incidental take permit has been issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine whether the incidental take permit has been issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine whether the incidental take permit has been issued pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the director shall determine the federal Endangered Species Act of 1973
the director determines within that 30-day period, based upon substantial evidence, that the incidental take permit is not consistent with this chapter. (d) The director shall immediately publish the determination pursuant to subdivision (c) in
the General Public Interest section of the California Regulatory Notice Register.(e) Unless deleted or extended by a later enacted statute that is chaptered before the date this section is repealed, this section is repealed on, the effective date of an amendment to Section 7 or Section 10 of the federal Endangered
Species Act of 1973 (16 U.S.C. Secs. 1536 and 1539) that alters the requirements for issuing an incidental take permit, as applicable. Credits (Added by Stats. 2018, c. 329 (S.B. 473), § 10, eff. Jan. 1, 2019.) § 2080.2. Findings
and declarations; San Joaquin River restoration settlement The Legislature finds and declares the following:(a) The historic settlement Act (Part I of Subtitle A of Title X of Public Law 111-11) directs the federal government to reintroduce spring run Chinook salmon to the San
Joaquin River. In approving the settlement and the new statutory provisions governing the reintroduction of the settlement, to resolve 18 years of contentious litigation regarding restoration of the San Joaquin River and the reintroduction of the salmon,
was a unique and unprecedented circumstance. The settlement also provides that nothing in the settlement diminishes the statutory or regulatory protections under the federal Endangered Species Act of 1973 (16 U.S.C. SEC. 1531 et seq.) nor does it establish a precedent with respect to any other application of the federal act.(b) Central valley
spring run Chinook salmon have been listed since 1999 as a threatened species under this chapter and were still listed as of January 1, 2011.(c) Restoring spring run Chinook salmon to the San Joaquin River is intended to further the conservation and recovery of the species.(d) Consistent with the unique and historic circumstances that led to the
settlement, nothing in Section 2080.2, 2080.3, or 2080.4 is intended to create any precedent as to future application of this chapter, nor do Sections 2080.2, 2080.3, or 2080.4 otherwise modify other existing statutes or legal obligations. CREDIT(S)(Added by Stats.2010, c. 291 (S.B.1349), § 1.) § 2080.3. Enhancement of survival permit from Secretary
of Commerce; timing, extent and duration (a) Notwithstanding any other provision of this chapter, if any person obtains from the Secretary of Commerce an enhancement of survival permit pursuant to Section 1539(a)(1)(A) of Title 16 of the United States Code that authorizes the taking of spring run Chinook salmon (Oncorhynchus tshawytscha) in
order to establish or maintain an experimental population in the San Joaquin River pursuant to subsection (i) of that section and the San Joaquin River Restoration Settlement Act (Part I of Subtitle A of Title X of Public Law 111-11), no further authorization or approval is necessary under this chapter for that person to take that species as identified in
and in accordance with, the enhancement of survival permit, if all of the following requirements are met:(1) That person shall notify the director in writing that the permit.(2) Upon receipt of the notice specified in paragraph (1) of subdivision (c), the
director shall immediately have the notice published in the General Public Interest section of the California Regulatory Notice Register. (3) Within 30 days after the director shall determine whether the enhancement of survival permit will further the conservation of the species. As used in
this paragraph, "conservation" has the same meaning as defined in Section 2061.(4) The director shall immediately have the determination pursuant to paragraph (3) published in the General Public Interest section of the California Regulatory Notice Register.(b) The timing and extent of a take authorization under this section shall be limited to the
terms in the federal enhancement of survival permit and shall expire upon the expiration of the federal permit. (c) This section shall remain in effect only until the effective date of an amendment to Section 1539 of Title 16 of the United States Code that alters the requirements for issuing an enhancement of survival permit, as applicable, and as of that
date is repealed, unless a later enacted statute, that is chaptered before the date this section is repealed, deletes or extends that date.CREDIT(S)(Added by Stats.2010, c. 291 (S.B.1349), § 2.) § 2080.4. Spring run Chinook salmon in the San Joaquin River; incidental take; determination by director; publication (a) If a population of spring run Chinook
salmon in the San Joaquin River is designated as an experimental population under subsection (j) of Section 1539 of Title 16 of the United States Code, no further authorization or approval is necessary under this chapter for any person to incidentally take members of that experimental population, if all of the following requirements are met:(1) The
Secretary of Commerce has published regulations in the Federal Register specifying management restrictions, protective measures, prohibitions, and exceptions to the prohibitions for the designated experimental population of spring run Chinook salmon in the San Joaquin River. (2) The director has determined, in writing, that the management
restrictions, protective measures, prohibitions and exceptions to prohibitions contained in the regulations specified in paragraph (1) meet the requirements in subdivision (b).(3) The action or activity that results in incidental take of the designated experimental population is authorized by the regulations published in the Federal Register.(b) The
director shall issue the determination described in paragraph (2) of subdivision (a), if the director finds that the federal regulations will further the conservation of the spring run Chinook salmon. As used in this paragraph, "conservation" has the
same meaning as defined in Section 2061.(2) The federal regulations contain all reasonably feasible measures to avoid and minimize the impacts of any taking allowed by the regulations will not jeopardize the restoration of spring run
Chinook salmon in the San Joaquin River.(c) If the director determines that the federal regulations described in paragraph (1) of subdivision (a) are not consistent with this chapter, or if the director determines that the federal regulations, then the incidental take of members of the designated experimental
population may only be authorized pursuant to this chapter.(d) The director shall publish the determination, pursuant to paragraph (2) of subdivision (a), and subdivision (b), in the General Public Interest section of the California Regulatory Notice Register. (CREDIT(S)(Added by Stats.2010, c. 291 (S.B.1349), § 3.)§ 2080.5. Enhancement of survival
permit authorizing the taking of endangered or threatened species to establish an experimental population; timing, extent and duration(a) Notwithstanding any other provision of this chapter, if any person obtains from the Secretary of the Interior an enhancement of survival permit pursuant to Section 1539(a)(1)(A) of
Title 16 of the United States Code that authorizes the taking of an endangered species or a threatened species, threatened species, threatened species pursuant to Section 1533 of Title 16 of the United States Code and that is an endangered species, threatened species, threatened species, threatened species or a threa
further authorization or approval is necessary under this chapter for that person to take that endangered species, threatened species, or candidate species identified in, and in accordance with, the enhancement of survival permit, if all of the following requirements are met:(1) That person shall notify the director in writing that the person has
received an enhancement of survival permit and include in the notification a copy of the permit. (2) Upon receipt of the notice specified in paragraph (1), the director shall immediately have the notice specified in paragraph (1), the director shall immediately have the notice specified in paragraph (1).
specified in paragraph (1), the director determines the enhancement of survival permit will further the conservation of the species. As used in this paragraph, "conservation pursuant to paragraph (3) published in the General Public Interest
section of the California Regulatory Notice Register.(b) The timing and extent of a take authorization under this section shall expire upon the expiration of the federal permit.(c)(1) This section shall remain in effect only until the effective date of an amendment to Section
1539 of Title 16 of the United States Code that alters the requirements for issuing an enhancement of survival permit, as applicable, and as of that date is repealed. (2) If the director shall notify the Legislature of that fact pursuant to Section 9795 of the
Government Code. Credits (Added by Stats. 2017, c. 276 (A.B. 1133), § 1, eff. Jan. 1, 2018.) § 2080.6. Experimental population; incidental take; determination by director; publication (a) For purposes of this chapter, "experimental population nonessential to the continued existence of an endangered, threatened, or candidate
species, including any eggs, propagules, individuals, or offspring arising solely therefrom, that the Secretary of the United States Code.(b) If a population of a species is an experimental population, no further authorization or
approval is necessary under this chapter for any person to incidentally take members of that experimental population, if all of the following requirements are met:(1) The Secretary of the Interior or the Inte
of Title 16 of the United States Code.(2) The director has determined, in writing, that the regulations specified in paragraph (1) meet the regulations specified in paragraph (2) The director has determined, in writing, that the regulations specified in paragraph (3) The action or activity that results in incidental take of the designated experimental population is authorized by the regulations published in the Federal Register.(c) The director
shall issue the determination described in paragraph (2) of subdivision (b), if the director finds that the federal regulations will further the conservation of the species. As used in this paragraph, "conservation" has the same meaning as defined in
Section 2061.(2) The federal regulations contain measures to avoid and minimize the impacts of any taking allowed by the regulations will not jeopardize the continued existence or recovery of the species.(d) If the director determines that the federal regulations described in paragraph (1) of subdivision (b) are not consistent
with this chapter, or if the action or activity that results in incidental take of members of the designated experimental population may only be authorized pursuant to the other provisions of this chapter. (e) The director shall publish the determination, pursuant to paragraph (2) of
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subdivision (b), and subdivision (d), in the General Public Interest section of the California Regulatory Notice Register. Credits (Added by Stats. 2017, c. 276 (A.B. 1133), § 2, eff. Jan. 1, 2018.) § 2080.7. Legislative intent; public outreach it is the intent of the Legislature that, before the introduction of an experimental population, as defined in Section 2080.6, onto land or into waters of this state, the department should undertake appropriate public outreach, including public meetings, in an effort to inform the public about the proposed introduction of the experimental population and its potential effects, if any, on ongoing human activities. To the extent practicable, this public outreach should include inviting other public boards, departments, or agencies that may have a regulatory or other role regarding the experimental population. Credits (Added by Stats. 2017, c. 276 (A.B. 1133), § 3, eff. Jan. 1, 2018.) § 2081.

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Authorization of acts prohibited by § 2080; taking of endangered, threatened, and candidate species; permits; regulations The department may authorize acts that are otherwise prohibited pursuant to Section 2080, as follows:(a) Through permits or memorandums of understanding, the department may authorize individuals, public agencies,
universities, zoological gardens, and scientific or educational institutions, to import, export, take, or possess any endangered species, threatened species, threatened species, threatened species, and candidate species if
all of the following conditions are met:(1) The take is incidental to an otherwise lawful activity.(2) The impacts of the authorized take shall be minimized and fully mitigated. The measures required to meet this obligation shall be minimized and fully mitigated. The measures required to meet this obligation shall be minimized and fully mitigated. The measures required to meet this obligation shall be minimized and fully mitigated.
to meet this obligation, the measures required shall maintain the applicant's objectives to the greatest extent possible. All required measures shall be capable of successful implementation. For purposes of this section only, impacts of taking include all impacts on the species that result from any act that would cause the proposed taking. (3) The
applicant shall ensure adequate funding to implement the measures required by paragraph (2), and for monitoring compliance with, and effectiveness of, those measures required by paragraph (2), and for monitoring compliance with, and effectiveness of, those measures required by paragraph (2), and for monitoring compliance with, and effectiveness of, those measures required by paragraph (2), and for monitoring compliance with, and effectiveness of, those measures.
determination based on the best scientific and other information that is reasonably available, and shall include consideration of the species; and (3) reasonably foreseeable impacts on the
species from other related projects and activities.(d) The department shall adopt regulations to aid in the implementation of subdivision (b) and the requirements of Division 13 (commencing with Section 21080.5 of
the Public Resources Code to implement subdivision (b).(e) Commencing January 1, 2019, the department shall post each new permit issued pursuant to subdivision (b) on its Internet Web site within 15 days of the effective date of the permit. Credits (Added by Stats. 1984, c. 1240, § 2. Amended by Stats. 1997, c. 567 (S.B. 879), § 2; Stats. 2018, c. 2246
(S.B.495), § 1, eff. Aug. 27, 2018; Stats.2018, c. 329 (S.B.473), § 11.5, eff. Jan. 1, 2019.) § 2081.1. Taking of endangered, threatened, or candidate species; authorization by department; permits, memoranda of understanding, plan, agreements Nothing in this chapter or in any other provision of law prohibits the taking or the incidental taking of any
endangered, threatened, or candidate species if the taking was authorized by the department through a permit or memorandum of understanding, or in a natural communities conservation plan, habitat management plan, or other plan or agreement approved by or entered into by the department, or in an amendment to such
a permit, memorandum of understanding, plan, or agreement and all of the following conditions are met:(a) The application process commenced on or before April 10, 1997.(b) The department approved the permit, memorandum of understanding, plan, agreement, or amendment thereto within either of the following timeframes:(A) On or before April
10, 1997.(B) Between April 10, 1997, and January 1, 1998, and the department also certifies that the permits, memorandum of understanding, plan, agreements, and amendments thereto described in this
section are deemed to be in full force and effect, as of the date approved or entered into by the parties insofar as they authorize the take of species. This section does not apply to the "Emergency Management Measures Permit" issued by the department on March 15, 1995. CREDIT(S)(Added by Stats.1997, c. 567 (S.B.879), § 3.)§ 2081.2. Permit
application fees(a) For purposes of this section, the following meanings:(1) "Permit" means any authorization issued by the department pursuant to this article to take a species listed by this chapter as candidate, threatened, or endangered. The term includes a consistency determination pursuant to Section 2080.1 and application fees(a) For purposes of this section, the following meanings:(1) "Permit" means any authorization issued by the department pursuant to this article to take a species listed by this chapter as candidate, threatened, or endangered. The term includes a consistency determination pursuant to this article to take a species listed by this chapter as candidate, threatened, or endangered.
concurrence determination pursuant to Section 2080.3 or 2080.4.(2) "Permit application" means an application for a permit, an amendment to Section 2080.3 or 2080.4.(3)
 "Permittee" includes any individual, firm, association, organization, partnership, business, trust, corporation, limited liability company, district, city, county, town, federal agency, and the state who applies for or who has received a permit pursuant to this article.(4) "Project" has the same meaning as defined in Section 21065 of the
Public Resources Code.(5) "Project cost" means the total direct and indirect project expenses that include, but are not limited to, labor, equipment, permanent materials and supplies, subcontracts, overhead, and miscellaneous costs. The term shall not include permit or license expenses or mitigation costs. For purposes of this paragraph, the term
 "permit" includes, but is not limited to, a permit as defined in paragraph (1).(6) "Voluntary habitat restoration project may have other environmental benefits, and the project is not required as mitigation
due to a regulatory action. (B) The project is not part of a regulatory settlement, a regulatory enforcement application fee for processing a permit application fee f
2098, upon appropriation to the department from the Endangered Species Permitting Account, the department shall use the permit applications, permit development, and compliance monitoring pursuant to this article. (2) This subdivision does not apply to any of
the following: (A) Activities or costs associated with the review of projects, inspection and oversight of projects, and permits necessary to conduct timber operations, as defined in Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code, in accordance with Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code, in accordance with Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code, in accordance with Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code, in accordance with Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code, in accordance with Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code, in accordance with Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code, in accordance with Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code, in accordance with Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code, in accordance with Article 9.5 (commencing with Section 4629) of Chapter 8 of Part 2 of Division 4 of Di
(B) Permits or memoranda of understanding authorized by subdivision (a) of Section 2081.(C) Permits for voluntary habitat restoration projects.(c) The department shall assess the permit application fee as follows, subject to subdivision (f):(1) For a project, regardless of estimated project cost, that is subject only to Section 2080.1, 2080.3, or 2080.4,
the department shall assess either of the following amounts:(A) Seven thousand five hundred dollars ($7,500).(B) Six thousand dollars ($6,000), if the project uses a department-approved conservation or mitigation bank to fulfill mitigati
thousand dollars ($100,000), the department shall assess either of the following amounts:(A) Seven thousand dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a department of the following amounts:(B) Six thousand five hundred dollars ($6,000), if the project uses a dep
cost is one hundred thousand dollars ($100,000) or more but less than five hundred thousand dollars ($500,000), the department shall assess either of the following amounts:(A) Fifteen thousand dollars ($15,000).(B) Twelve thousand dollars ($12,000), if the project uses a department-approved conservation or mitigation bank to fulfill mitigation
obligations pursuant to this article.(4) For a project where the estimated project cost is five hundred thousand dollars ($500,000) or more, the department shall assess either of the following amounts:(A) Thirty thousand dollars ($24,000), if the project uses a department-approved conservation or mitigation
bank to fulfill mitigation obligations pursuant to this article. (5) The department shall collect a fee of seven thousand five hundred dollars ($7,500) for processing permit amendments that the department has
determined are major as defined in regulation.(d)(1) If the permit application fee paid pursuant to subdivision (c) is determined by the department to be insufficient to complete permitting work due to the complexity of a project, the department to be insufficient to complete permitting work due to the complexity of a project or the potential effects of a project, the department to be insufficient to complete permitting work due to the complexity of a project or the potential effects of a project, the department to be insufficient to complex due to the compl
from the permittee to pay for its estimated costs. Upon its determination, the department shall notify the permittee of the reasons why an additional fee collected pursuant to paragraph (1) shall not exceed an amount that, when added to the fee paid pursuant to
subdivision (c), equals thirty-five thousand dollars ($35,000). The department shall collect the additional fee before a final decision on the permit application by the department shall collect the additional fee before a final decision on the permit application submitted to the department shall collect the additional fee before a final decision on the permit application by the department shall collect the additional fee before a final decision on the permit application submitted to the department shall collect the additional fee before a final decision on the permit application submitted to the department shall collect the additional fee before a final decision on the permit application submitted to the department shall collect the additional fee before a final decision on the permit application submitted to the department shall collect the additional fee before a final decision on the permit application submitted to the department shall collect the additional fee before a final decision on the permit application submitted to the department shall collect the additional fee before a final decision on the permit application submitted to the department shall collect the additional fee before a final decision on the permit application submitted to the department shall collect the additional fee before a final decision of the department shall collect the additional fee before a final decision of the department shall collect the additional fee before a final decision of the department shall collect the additional fee before a final decision of the department shall collect the additional fee before a final decision of the department shall collect the additional fee before a final decision of the department shall collect the additional fee before a final decision of the department shall collect the additional fee before a final decision of the department shall collect the additional fee before a final decision of the department shall collect the additional fee before a final decision of the department shall collect th
application fee at the time the permit application is submitted. The department shall not deem the permit application fee. A permit application submitted or deemed complete before the effective date of this section shall not be subject to fees established pursuant to this section. (2) If a permit application fee.
application is withdrawn within 30 days after paying the permit application fee, the department shall not refund any unused portion of the fee to the permit application is withdrawn after 30 days of paying the permit application fee, the department shall adjust
the fees in this section pursuant to Section 713.(2) The Legislature finds that all revenues generated under this section and used for the purposes for which they were imposed are not subject to Article XIII B of the California Constitution.(3) The department, at least every five years, shall analyze permit application fees pursuant to Section 713 to
ensure the appropriate fee amounts are charged.(g) Fees paid to the department pursuant to this section shall be deposited in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established in the Endangered Species Permitting Account, which is hereby established and the Endangered Species Permitting Account the Endangered Species Permitten Permitten Permitten Permitten Permitten Permitten Permitten Permitte
by the Legislature, for the purposes of administering and implementing this chapter, except that fee moneys collected pursuant to this section shall only be used for the purposes of administering and implementing this chapter, except that fee moneys collected pursuant to this section shall only be used for the purposes of this article. Credits (Added by Stats. 2016, c. 340 (S.B. 839), § 6, eff. Sept. 13, 2016. Amended by Stats. 2018, c. 329 (S.B. 473), § 12, eff. Jan. 1, 2019.) § 2081.4. Rough
sculpin; take authorized; conditions(a) The department may authorize, under this chapter, the take of the rough sculpin (Cottus asperrimus) resulting from impacts attributable to replacing the Spring Creek Bridge in the County of Shasta, if all of the following conditions are satisfied:(1) The requirements of subdivisions (b) and (c) of Section 2081 are
satisfied for the take of the rough sculpin.(2) The department ensures that all further measures necessary to satisfy the conservation provides for the development and implementation, in cooperation with federal and state agencies, of a monitoring
program and an adaptive management process until the department determines that any impacts resulting from the replacement of the Spring Creek Bridge have been fully mitigated.(b) This section shall not be construed to exempt the project described in subdivision (a) from any other law. Credits (Added by Stats. 2016, c. 293 (A.B. 1845), § 2, eff. Jan
1, 2017.) § 2081.5. Authorization to take Santa Cruz long-toed salamander resulting from impacts attributable to construction along State Route 156 corridor through Moro Cojo Slough in Monterey County; conditions(a) The department may authorize under this chapter, by permit, the take of the Santa Cruz long-toed salamander (Ambystoma
macrodactylum croceum) resulting from impacts attributable to the construction along the State Route 156 corridor through Moro Cojo Slough in the County of Monterey for the purpose of enhancing safety and access, if all of the following conditions are satisfied for the
take of the Santa Cruz long-toed salamander. (2) The department ensures that all further measures necessary to satisfy the construction project. (3) The take authorization provides for the development and implementation, in cooperation with federal and state agencies.
of a monitoring program and an adaptive management process until the department determines that any impacts resulting from the construction project described in this subdivision have been fully mitigated.(b) The conditions for the permit are subject to amendment if required by the monitoring program and the adaptive management process
adopted pursuant to paragraph (3) of subdivision (a).(c) This section shall not be construction project described in subdivision (a) from any other law. Credits (Added by Stats. 2020, c. 237 (S.B. 1231), § 1, eff. Jan. 1, 2021.) § 2081.6. Unarmored threespine stickleback; take authorized; conditions (a) The department may authorize
under this chapter, the take of the unarmored threespine stickleback (Gasterosteus aculeatus williamsoni) resulting from impacts attributable to the habitat restoration project to restore, maintain, and improve riparian habitat on public lands in the geographic area defined in paragraph (1) and projects to restore, maintain, and improve riparian habitat on public lands in the geographic area defined in paragraph (1) and projects to restore, maintain, and improve riparian habitat on public lands in the geographic area defined in paragraph (1) and projects to restore, maintain, and improve riparian habitat on public lands in the geographic area defined in paragraph (1) and projects to restore, maintain, and improve riparian habitat on public lands in the geographic area defined in paragraph (1) and projects to restore, maintain, and improve riparian habitat on public lands in the geographic area defined in paragraph (1) and projects to restore, maintain, and improve riparian habitat on public lands in the geographic area defined in paragraph (1) and projects to restore, maintain, and improve riparian habitat on public lands in the geographic area defined in paragraph (1) and projects to restore, maintain, and improve riparian habitat on public lands in the geographic area defined in paragraph (1) and projects to restore, maintain area defined in paragraph (1) and projects to restore, maintain area defined in paragraph (1) and projects to restore, maintain area defined in paragraph (1) and projects to restore, maintain area defined in paragraph (1) and projects to restore, maintain area defined in paragraph (1) and projects to restore, maintain area defined in paragraph (1) and projects to restore, maintain area defined in paragraph (1) and projects to restore, maintain area defined in paragraph (1) and projects to restore, maintain area defined in paragraph (1) and projects to restore area defined in paragraph (1) and paragr
Bouquet Canyon on public lands, undertaken by the Los Angeles County Department of Public Works, the Los Angeles Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power, and the United States Department of Water and Power and Pow
position normal to mile marker 8.3 on Bouquet Canyon Road to a position normal to mile marker 16.3 on Bouquet Canyon Road, inclusive.(2) The department has determined that the appropriate agreements have been executed to address environmental impacts at the Bouquet Canyon area, including, but not limited to, Bouquet Creek.(3) The
requirements of subdivisions (b) and (c) of Section 2081 are satisfied for the take of the unarmored threespine stickleback. (4) The department ensures that all further measures necessary to satisfy the conservation standard of subdivision (d) of Section 2081 are incorporated into the projects. (5) A biologist will be on duty whenever an activity is
conducted that may affect the unarmored threespine stickleback.(6) The take authorization provides for the development and implementation, in cooperation with federal and state agencies, of a monitoring program and an adaptive management process that satisfy the conservation standard of subdivision (d) of Section 2805 for monitoring the
effectiveness of, and adjusting, as necessary, the measures to minimize and fully mitigate the impacts of the authorization provides for the development and implementation, in cooperation with state and federal agencies, of an adaptive management process that substantially contributes to the long-term conservation of
the unarmored threespine stickleback.(b) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (a) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (b) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (b) from any other law.(c) This section shall not be construed to exempt the projects described in subdivision (b) from any other law.(c) This section shall not be construed to exempt the project shall not be construed to exempt the
620 (A.B.353), § 2, eff. Oct. 8, 2015.) § 2081.7. Authorization to take species resulting from impacts attributable to implementation of Quantification Settlement Agreement (a) Notwithstanding Sections 3511, 4700, 5050, and 5515, and contingent upon the fulfillment of the
conditions listed in subdivisions (b), (c), and (d), the department may authorize, under Chapter 1.5 (commencing with Section 2050) or Chapter 1.5 (commencing w
Chapter 617 of the Statutes of 2002, on all of the following:(1) The salinity, elevation, shoreline habitat, or water quality of the Salton Sea.(2) The quantity and Quality of the Salton Sea.(2) The quantity and Quality of the Salton Sea.(3) The quantity and Quality of the Salton Sea.(4) The salinity, elevation, shoreline habitat, or water quality of the Salton Sea.(5) The quantity and Quality of the Salton Sea.(6) The quantity and Quality of the Salton Sea.(7) The salinity, elevation, shoreline habitat, or water quality of the Salton Sea.(8) The quantity and Quality of the Salton Sea.(9) The quantity and Quality of the Salton S
and the habitat sustained by those flows. (3) Agricultural lands in the Colorado River, the habitat sustained by those flows, and the collection of that water for delivery to authorized users. (b) The Quantification Settlement Agreement is executed by the appropriate parties on or before
October 12, 2003.(c) The department has determined that the appropriate agreements have been executed to address environmental impacts at the Salton Sea that include enforceable commitments requiring all of the following:(1) Imperial Irrigation District to transfer 800,000 acre-feet of conserved water, by conservation methods selected by the
Imperial Irrigation District, to the Department of Water Resources on a mutually agreed-upon schedule in exchange for payment of one hundred seventy-five dollars ($175) per acre-foot. The price shall be adjusted for inflation on an annual basis.(2) Imperial Irrigation District, to the Department of Water Resources on a mutually agreed-upon schedule in exchange for payment of one hundred seventy-five dollars ($175) per acre-foot. The price shall be adjusted for inflation on an annual basis.(2) Imperial Irrigation District, to the Department of Water Resources on a mutually agreed-upon schedule in exchange for payment of one hundred seventy-five dollars ($175) per acre-foot. The price shall be adjusted for inflation on an annual basis.(2) Imperial Irrigation District, to the Department of Water Resources on a mutually agreed-upon schedule in exchange for payment of one hundred seventy-five dollars.
conservation methods selected by the Imperial Irrigation District, to the Department of Water Resources during the first 15 years of the Quantification Settlement Agreement on the San Diego Water Authority, or on a mutually agreed-upon schedule, at no cost
for the water in addition to the payment for the water from the mitigation fund described in paragraph (1), the Department of Water Resources shall be responsible for any environmental impacts, including
Salton Sea salinity, related to use or transfer of that water. As a condition to acquisition of the water described in paragraph (2), the Department of Water Resources shall be responsible for environmental impacts related to Salton Sea salinity that are related to the use or transfer of that water. (4) The Metropolitan Water District of Southern
California (MWD) to purchase up to 1.6 million acre-feet of the water provided in accordance with paragraphs (1) and (2) from the Department of Water Resources at a price of not less than two hundred fifty dollars ($250) per acre-foot on a mutually agreed-upon schedule. The price shall be adjusted for inflation on an annual basis. The Department of
 Water Resources shall deposit all proceeds from the sale of water pursuant to this paragraph, after deducting costs and reasonable administrative expenses, into the Salton Sea Restoration Fund established in Section 2932.(5) The Metropolitan Water District of Southern California to pay not less than twenty dollars ($20) per acre-foot for all special
surplus water received by MWD as a result of reinstatement of access to that water under the Interior subtracting any water delivered to Arizona as a result of a shortage. The money shall be paid into the Salton Sea Restoration Fund. The price shall be adjusted for inflation on an annual
basis. Metropolitan Water District of Southern California shall receive a credit against future mitigation obligations under the Lower Colorado River Multi-Species Conservation or mitigation for species identified in
the Lower Colorado River Multi-Species Conservation Plan and that are consistent with the preferred alternative for Salton Sea restoration. (6) Coachella Valley Water District, Imperial Irrigation District, and San Diego County Water Authority to pay a total of thirty million dollars ($30,000,000) to the Salton Sea Restoration Fund as provided in
paragraph (2) of subdivision (b) of Section 3 of Chapter 613 of the Statutes of 2003.(d) All of the following conditions are met:(1) The requirements of subdivision (b) and (c) of Section 3 of Chapter 613 of the Statutes of 2003.(d) All of the following conditions are met:(1) The requirements of subdivision (b) and (c) of Section 3 of Chapter 613 of the Statutes of 2003.(d) All of the following conditions are met:(1) The requirements of subdivision (b) and (c) of Section 3 of Chapter 613 of the Statutes of 2003.(d) All o
federal and state agencies, of an adaptive management process for monitoring the effectiveness of, and adjusted measures are subject to Section 2052.1.(3) The take authorization provides for the development and implementation in
cooperation with state and federal agencies of an adaptive management process that substantially contributes to the long-term conservation of the species for which take is authorized. Preparation of the department of the species for which take is authorized.
and implement the adaptive management program is conditioned upon the availability of funds pursuant to the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, if it is approved by the voters at the statewide general election to be held November 5, 2002 (Proposition 50), or other funds that may be appropriated by the
Legislature or approved by the voters for that purpose. The failure to appropriate funds does not relieve the applicant of the obligations of paragraphs (1) and (2). However, the applicant shall not be required to fund any program pursuant to this paragraphs (1) and (2).
10 (commencing with Section 2800).(e)(1) The Secretary of the Resources Agency, in consultation with the department of Water Resources, the Salton Sea Authority, appropriate air quality districts, and the Salton Sea Authority to determine a preferred alternative for the restoration of
the Salton Sea ecosystem and the protection of wildlife dependent on that ecosystem. The Secretary of the Resources Agency shall extend an invitation to the United States Geological Survey Salton Sea Science Office to also participate in the restoration study shall be
conducted pursuant to a process with deadlines for release of the report and programmatic environmental documents established by the secretary, in consultation with the department, the Department of Water Resources, the Salton Sea Advisory Committee, and the United States Geological Survey Salton Sea Science
Office, if it is a participant. The secretary shall use all available authority to enter into a memorandum of the Salton Sea (P.L. 105- 372) for the purpose of obtaining federal participation in the restoration of the Salton Sea. (2) The
restoration study shall establish all of the following:(A) An evaluation of alternatives for the restoration and restoration and different shoreline elevations and surface area configurations. The alternatives shall consider the range of possible inflow
conditions. The evaluation established pursuant to this subparagraph shall also include suggested criteria for selecting and evaluation of the magnitude and
practicability of costs of construction, operation, and maintenance of each alternative evaluated. (C) A recommended plan for the use or transferred pursuant to that subdivision unless the secretary finds that transfer is consistent with the preferred alternative for Salton
Sea restoration.(D) The selection of a preferred alternative consistent with Section 2931, including plan to implement the preferred alternative and operate the preferred alternative. The proposed funding plan to implement the preferred alternative consistent with Section 2931, including a proposed funding plan to implement the preferred alternative.
following moneys:(i) Moneys in the Salton Sea Restoration Fund established by Section 2932.(ii) State water and environmental bond moneys.(iii) Federal authorizations and appropriations.(iv) Moneys available through a Salton Sea Infrastructure Financing District established pursuant to Section 53395.9 of the Government Code and local
assessments by the Salton Sea Authority or its member agencies.(v) Moneys derived from user or other fees.(3) The study identifying the preferred alternative shall be submitted to the Legislature on or before December 31, 2006.(4) The Secretary of the Resources Agency shall establish an advisory committee for purposes of this subdivision as
follows:(A) The advisory committee shall be selected to provide balanced representation of the following interests:(i) Agriculture.(ii) Local governments.(viii) Geothermal energy development.(B) Appropriate federal agency
representatives may be asked to serve in an ex officio capacity. (C) The Resources Agency shall consult with the advisory committee throughout all stages of the alternative selection process. (D) The advisory committee throughout all stages of the advisory committee thr
recommendations to assist the agency in preparation of its restoration plan. The Resources Agency shall develop a schedule for the completion of these recommendations will be considered by the agency in a timely and meaningful manner as the restoration plan is developed. These recommendations may
 include, but are not limited to:(i) The specific goals and objectives of the restoration plan.(ii) The range of alternative.(iv) The criteria for determining economic and technical feasibility of the alternatives.(v) The range of options for funding the restoration plan.(vi)
The selection of a preferred alternative for a restoration plan. (6) The Resources Agency shall periodically provide an update to the advisory committee of the current work plan and schedule for the development of the restoration plan.
 Agreement and the Agreement for Transfer of Conserved Water by and between the Imperial Irrigation District and the San Diego County Water Authority, dated April 29, 1998. CREDIT(S)(Added by Stats. 2003, c. 617 (S.B. 482), § 2. Amended by Stats. 2003, c. 62 (S.B. 600), § 95; Stats. 2003, c. 612 (S.B. 317), § 1; Stats. 2004, c. 614 (S.B. 1214), § 1.) §
surrounding the Salton Sea. The Resources Agency shall not undertake any of those activities if the agency determines they would constitute a project purpose for environmental documentation that is prepared pursuant to Section 2081.7.CREDIT(S)(Added by Stats.2004, c. 614 (S.B.1214), § 2.)§ 2081.9. Incidental take of limestone salamanders
conditions; construction of section(a) Notwithstanding Section 5050, the department may authorize, under this chapter, the incidental take of limestone salamander (Hydromantes brunus) resulting from impacts attributable to the Department of Transportation of the Ferguson Slide Permanent Restoration Project on State Route 140
Transportation will adopt appropriate avoidance and mitigation measures to protect the limestone salamander through enforceable commitments that, at a minimum, include the following: (A) A construction work window that prevents initial ground-disturbing construction activities from occurring on the southern slope during the salamander's active
season of December to March, inclusive.(B) Environmentally sensitive area fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of 24-inch sheet metal, will be erected if construction-related activities will occur adjacent to limestone salamander protection exclusionary fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of five-foot orange plastic mesh, as well as salamander protection exclusionary fencing in the form of five-foot orange planting for the five-foot orange planting for the five-foot orange planting fencing for the five-foot orange planting fencing fencing for the five-foot orange planting fencing fenc
requirements of subdivisions (b) and (c) of Section 2081 are satisfied for the take of the limestone salamander. (4) The department ensures that all further measures necessary to satisfy the conservation standard of subdivision (d) of Section 2081 are incorporated into the project. (5) The take authorization provides for the development and
implementation, in cooperation with the department, of an adaptive management process for monitoring the effectiveness of, and adjusted measures are subject to Section 2052.1.(6) The failure to appropriate funds does not relieve the
not be construed to exempt the Ferguson Slide Permanent Restoration Project on State Route 140 from 8 miles east of Briceburg to 7.6 miles west of El Portal in Mariposa County from any other law. Credits (Added by Stats. 2012, c. 121 (A.B. 1973), § 1.)§ 2081.10. Incidental take of unarmored threespine stickleback; conditions; construction of
section(a) The department may authorize, under this chapter, the incidental take of unarmored threespine stickleback (Gasterosteus aculeatus williamsoni) attributable to the periodic dewatering, inspection, maintenance, modification, or repair, including emergency repair, of the Metropolitan Water District of Southern California's Foothill Feeder
water supply facility from Castaic Dam to the Joseph Jensen Treatment Plant in the County of Los Angeles, contingent upon the fulfillment of the following conditions:(1) The department determines that the requirements of subdivisions (b) and (c) of Section 2081 are satisfied for the take of the unarmored threespine stickleback.(2) The department
ensures that all further measures necessary to satisfy the conservation standard of subdivision (d) of Section 2805 are incorporated into the project.(3) The take authorization provides for the development and implementation, in cooperation with the department, of an adaptive management plan for monitoring the effectiveness of, and adjusting as
necessary, the measures to minimize and fully mitigate the impacts of the authorized take and to satisfy the conservation standard of subdivision (d) of Section 2805.(4) A biologist who has substantial relevant experience evaluating impacts to inland fisheries is on duty whenever an activity is conducted that may affect the unarmored threespine
stickleback.(5) The Metropolitan Water District of Southern California consults with the department to consider feasible measures to avoid and minimize incidental take of unarmored threespine stickleback. For purposes of this paragraph, "feasible" has the same meaning as defined in Section 15364 of Title 14 of the California Code of Regulations.(b)
The take authorization shall cover any incidental take of unarmored threespine stickleback attributable to the periodic dewatering, inspection, maintenance, modification, or repair, including emergency repair, of the Foothill Feeder that may occur in the following locations:(1) Within the Santa Clara River, from the Bouquet Canyon Road Bridge to a
 point located 4,000 feet downstream of where Commerce Center Drive, as of January 1, 2016, dead-ends adjacent to the Santa Clara River. (2) From the confluence with the Foothill Feeder facility dewatering structure. (B) In San
 Francisquito Creek to the Copper Hill Drive bridge.(c) In Placerita Creek to the Hacienda Lane crossing.(D) In Bouquet Creek to the Newhall Ranch Road Bridge.(c) The take authorization or conservation actions required
in the permit issued pursuant to subdivision (a) as may be modified through an adaptive management plan adopted pursuant to subdivision (a) shall include conditions that cover biological and scientific considerations including, but not limited to, criteria for the handling of stranded
fish and their relocation into suitable habitat, the dewatering of the Foothill Feeder, and the reasonable and feasible mimicking of streamflows. The permit conditions shall be in compliance with the project description, mitigation measures, and release plan set forth in the certified environmental impact report known as the "Foothill Feeder Repair
and Future Inspections Project Environmental Impact Report, January 2005, State Clearinghouse Number 2005071082." The permit conditions are subject to amendment when required by the adaptive management plan or when modified by a subsequent final environmental document pursuant to the California Environmental Quality Act (Division 13
(commencing with Section 21000) of the Public Resources Code).(e) This section, maintenance, modification, or repair of the Foothill Feeder.(f) If the Metropolitan Water District of Southern California receives a permit under this section, the permit shall require
the district to report to the department within six months after every dewatering of the Foothill Feeder. The report shall address compliance with the permit conditions and the effectiveness of the adaptive management plan in contributing to the conservation of the unarmored threespine stickleback. The Metropolitan Water District of Southern
California shall ensure that each report is made available to the public.(g) As used in this section, "modification" does not include alterations to expand the maximum physical capacity of the Foothill Feeder to deliver water. Credits (Added by Stats. 2016, c. 387 (A.B. 2488), § 2, eff. Jan. 1, 2017.) § 2081.11. Authorization of take or possession of the Lost
River sucker; shortnose sucker; shortnose sucker; shortnose sucker (Chasmistes brevirostris) resulting from impacts attributable to or otherwise related to the decommissioning and
removal of the Iron Gate Dam, the Copco 1 Dam, the Copco 2 Dam, or the J.C. Boyle Dam, each located on the Klamath River, consistent with the Klamath Hydroelectric Settlement Agreement, if all of the following conditions are met:(1) The department finds the authorized take will not jeopardize the continued existence of the Lost River sucker or
shortnose sucker.(2) The impacts of the authorized take are minimized.(3) The take authorization requires department approval of a sampling, salvage, and relocation plan to be implemented and that describes the measures necessary to minimize the take of adult Lost River sucker and shortnose sucker associated with the department's authorization
The plan shall provide for a sampling effort, the results of which will provide information used to make decisions and to implement the plan while utilizing the principles of adaptive management. (b) This section shall not be construed to exempt the project described in subdivision (a) from any other law. Credits (Added by Stats. 2018, c. 586 (A.B. 2640), § 10 (A.B. 2640), § 11 (A.B. 2640), § 12 (A.B. 2640), § 13 (A.B. 2640), § 14 (A.B. 2640), § 15 (A.B. 2640), § 15 (A.B. 2640), § 15 (A.B. 2640), § 16 (A.B. 2640), § 17 (A.B. 2640), § 18 (A.B. 264
1, eff. Jan. 1, 2019.)§ 2081.12. Authorization of take or possession of the blunt-nosed leopard lizard; permit; construction of section(a) The department may authorize, under this chapter, by permit; the take or possession of the blunt-nosed leopard lizard; permit; construction of section(a) The department may authorize, under this chapter, by permit; construction of section(a) The department may authorize, under this chapter, by permit; construction of section(a) The department may authorize, under this chapter, by permit; construction of the blunt-nosed leopard lizard; permit; construction of section(a) The department may authorize, under this chapter, by permit; construction of the blunt-nosed leopard lizard; permit; permit; construction of the blunt-nosed leopard lizard; permit; perm
Community Services District's drilling and construction of a new water well, connection of the existing distribution system, and construction of a new water storage tank, if both of the existing distribution system, and construction of a new water storage tank, if both of the existing distribution system, and construction of a new water storage tank, if both of the existing distribution system, and construction of a new water well, connection of the existing distribution system, and construction of a new water well and construction of a new water well, connection of the existing distribution system, and construction of a new water well and construction of a new water w
lizard.(2) The take authorization provides for the development and implementation of a monitoring program and an adaptive management plan, approved by the department, for monitoring the effectiveness of, and adjusting as necessary, the measures to minimize and fully mitigate the impacts of the authorized take.(b) The permit issued pursuant to
subdivision (a) shall cover any incidental take of a blunt-nosed leopard lizard that may occur in the permit. (c) The permit conditions are subject to amendment when required by the monitoring program and adaptive management plan adopted pursuant to paragraph (2) of
subdivision (a).(d) This section shall not be construed to exempt the projects described in subdivision (a) from any other law. Credits (Added by Stats. 2018, c. 224 (S.B. 495), § 2, eff. Aug. 27, 2018.) § 2082. Possession prior to listing; sales not prohibited This chapter does not prohibit the sale of any endangered species or threatened species, or any part
or product thereof, when the owner can demonstrate that the species or part or product thereof, was in the person's possession before the date upon which the commission listed the species or threatened species or threate
or product by an individual not normally engaged in that sale if it was originally possessed by the seller for the seller sown use and so used by that seller. However, it shall be unlawful prior to the date upon which the commission added the species to the listing of
endangered species or threatened species or threatened species or to the listing of endangered animals prior to January 1, 1985. CREDIT(S)(Added by Stats. 1984, c. 1240, § 2.) § 2083. Application and scope of section; restrictions This chapter does not apply to the taking of fish otherwise authorized pursuant to Part 3 (commencing with Section 7600) of
Division 6 or to the possession of individual animals which were lawfully possessed before the commission listed the species or as an endangered animal prior to January 1, 1985. CREDIT(S)(Added by Stats. 1984, c. 1240, § 2.) § 2084. Authorization of taking of listed candidate species
department recommendations(a) The commission may authorize, subject to terms and conditions it prescribes, and based on the best available scientific information, (1) the taking of any candidate species, provided that in either
case the take is consistent with this chapter.(b) The department may recommend to the commission authorize, or not authorize, or not authorize, the taking of an endangered, threatened, or candidate species pursuant to this section. Credits (Added by Stats. 1984, c. 1240, § 2. Amended by Stats. 2018, c. 329 (S.B. 473), § 14, eff. Jan. 1, 2019.) § 2085
Application of article to candidate species; notice The provisions of this article shall apply to any species designated as a candidate species under Section 2074.4. CREDIT(S)(Added by Stats.1984, c. 1162, § 6.) § 2086. Habitat for threatened or endangered species; locally designated voluntary
programs; regulations; takings incidental to agricultural activities; renewal of authorizations; public education and outreach activities (a) The department, in cooperation with the Department of Food and Agricultural activities; renewal of authorize
 locally designed voluntary programs for routine and ongoing agricultural activities on farms or ranches that encourage habitat for candidate, threatened, and endangered species, and wildlife generally. Agricultural commissioners, extension agents, farmers, ranchers, or other agricultural experts, in cooperation with conservation groups, may propose
those programs to the department. The department shall propose regulations for those programs not later than July 1, 1998.(b) Programs authorized under subdivision (a) shall do all of the following:(1) Include management practices that will, to the maximum extent practicable, avoid and minimize take of candidate, endangered, and threatened
species, while encouraging the enhancement of habitat.(2) Be supported by the best available scientific information for both agricultural and conservation practices.(3) Be consistent with the policies and goals of this chapter.(4) Be designed to provide sufficient flexibility to maximize participation and to gain the maximum wildlife benefits without
compromising the economics of agricultural operations. (5) Include terms and conditions to allow farmers or ranchers to cease participation in a program without penalty. The terms and conditions shall include reasonable measures to minimize take during withdrawal from the program. (c) Any taking of candidate, threatened, or endangered species
incidental to routine and ongoing agricultural activities that occurs while the management practices specified by paragraph (1) of subdivision (b) are followed, is not prohibited by this chapter.(d)(1) The department shall automatically renew the authorization for these voluntary programs every five years, unless the Legislature amends or repeals this
 section in which case the program shall be revised to conform to this section. (2) Commencing in 2000, and every five years thereafter, the department shall post a report regarding the effect of the programs and preparing the effect of the programs and preparing t
the report. The report shall address factors such as the temporary and permanent acreage benefiting from the programs, include an estimate of the amount of land upon which routine and ongoing agricultural activities are conducted, provide examples of farmer and rancher cooperation, and include recommendations to improve the voluntary
participation by farmers and ranchers.(e) If the authorization for these programs is not renewed or is modified under subdivision (d), persons participating in the program shall be allowed to cease participating in the program in accordance with the terms and conditions specified in paragraph (5) of subdivision (b), without penalty.(f)(1) The
department may approve an application submitted by an agricultural-based nonprofit organization or other entity registered as a California nonprofit organization to initiate and undertake public education submitted pursuant to this subdivision shall
include the following:(A) The name and contact information of the participating organization.(B) A brief description of the planned outreach activities.(C) An end date for the outreach activities.(B) A brief description of the planned outreach materials that are
disseminated to the public in furtherance of this subdivision. (3) A participating organization shall file an annual report with the department before the end of each calendar year during the time period specified in the application. The report shall include, but is not limited to, the following:

(A) Complete information on the activities conducted by the
participating organization in the prior year, including a description of all means of communications, or other means.(B) A compilation of responses from the public and members of the agricultural community that will assist the
participating organization and the department to modify or improve public education and outreach activities on an ongoing basis. (C) An assessment of the existing knowledge within the agricultural community of programs and prohibitions under this chapter and a review of outreach activities that could be used to adapt and improve future outreach
 efforts.(D) Information on a farm or ranch that has expressed interest in participating in a voluntary program pursuant to this section or the safe harbor agreement program contained in Article 3.7 (commencing with Section or the safe harbor agreement program contained in Article 3.7 (commencing with Section or the safe harbor agreement program pursuant to this section or the safe harbor agreement program pursuant to the department of an individual, farms of a safe harbor agreement program pursuant to the safe harbor agreement program contained in Article 3.7 (commencing with Section or the safe harbor agreement program pursuant to this section or the safe harbor agreement program pursuant to the safe harbor agreement program contained in Article 3.7 (commencing with Section or the safe harbor agreement program pursuant to the safe harbor agreement program pursuant to this section or the safe harbor agreement program pursuant to the safe harbor agreement program pursuant to this section or the safe harbor agreement program pursuant to the safe harbor agreement program pursuant program pursuant to the safe harbor agreement program pursuant program pursuant
or ranch.Credits(Added by Stats.1997, c. 528 (S.B.231), § 1. Amended by Stats.2003, c. 62 (S.B.600), § 96; Stats.2012, c. 728 (S.B.1303), § 2; Stats.2012, c. 728 (S.B.71), § 45.) § 2087. Accidental take resulting from an act by a
(a), the person shall report the take to the department within 10 days.(c) For purposes of this section, "accidental" means unintended or unforeseen.(d) This section shall remain in effect only until January 1, 2024, deletes or extends that
date.Credits(Added by Stats.2002, c. 32 (S.B.550), § 2. Amended by Stats.2013, c. 387 (S.B.436), § 1; Stats.2010, c. 387 (S.B.436), § 1; Stats.2010, c. 387 (S.B.436), § 3; Stats.2013, c. 387 (S.B.436), § 1; Stats.2013, c. 387 (S.B.436), § 1; Stats.2013, c. 387 (S.B.436), § 1; Stats.2013, c. 387 (S.B.436), § 3; Stats.2013, c. 387 (S.B.436), § 1; Stats.2013, c. 387 
 apply to timber harvesting governed by the State Board of Forestry. "Fish species" as used in this section means a member of the class Osteichthyes. (S.B.231), § 1.) § 2089. Routine and ongoing agricultural activities; regulations to define Routine and ongoing agricultural activities shall be defined by the
department by regulation and shall not include the conversion of agricultural land to a nonagricultural use. CREDIT(S)(Added by Stats. 1997, c. 528 (S.B.231), § 1.) § 2089.2. Short title; legislative findings; purpose; landowner obligations(a) This article shall be known and may be cited as the California State Safe Harbor Agreement Program Act.(b) The
Legislature finds that a key to the goals set forth in this article of conserving, protecting, restoring, and enhancing endangered, threatened, and candidate species exists on property owned by private citizens, municipalities, tribes, and other nonfederal
entities. Conservation efforts on these lands and waters are critical to help these declining species. Using a collaborative stewardship approach to these lands and waters will help ensure the success of these efforts.(c) The purpose of this article is to establish a program that will encourage landowners to manage their lands voluntarily to benefit
endangered, threatened, or candidate species, or declining or vulnerable species, and not be subject to additional regulatory restrictions as a result of their conservation with respect to endangered, threatened, or candidate species existing on their land. The program
established by this article is designed to increase species populations, create new habitats, and enhance existing populations of species present at the time the baseline is established by the department. Credits (Added
by Stats. 2009, c. 184 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 473), § 15, eff. Jan. 1, 2019.) § 2089.4. Definitions as used in this article, the following definitions apply:(a) "Agreement" includes an agreement with an individual landowner
and a programmatic agreement.(b) "Baseline conditions" means the extent and quality of habitat, or both population size and the extent and quality of habitat, for the species on the land to be enrolled in the agreement that sustain seasonal or permanent use by the covered species. Baseline conditions shall be
determined by the department, in consultation with the applicant, and shall be based on the best available science and objective scientific methodologies. For purposes of establishing baseline conditions, a qualified person that is not employed by the department may conduct habitat surveys, if that person has appropriate species expertise and has
been approved by the department. (c) "Declining or vulnerable species" include candidate species pursuant to this chapter, or species pursuant to this chapter.
pursuant to this chapter.(d) "Department" means the Department of Fish and Wildlife, acting through its director or his or her designee.(e) "Landowner" means any person or nonstate or federal entity or entities that lawfully hold any interest in land or water to which they are committing to implement the requirements of this article.(f) "Managemen
 actions" means activities on the enrolled land or water that are reasonably expected by the department to provide a net benefit to the species or their habitat, or both.(g) "Monitoring program" means a program established or approved by the department in accordance with subdivision (f) of Section 2089.6.(h) "Net conservation benefit" means the
cumulative benefits of the management activities identified in the agreement that provide for an increase in a species' population or the enhancement, restoration, or maintenance of covered species' suitable habitats within the enrolled property. Net conservation benefit shall take into account the length of the agreement, any offsetting adverse
effects attributable to the incidental taking allowed by the agreement, and other mutually agreed upon factors. Net conservation benefits shall be sufficient to contribute either directly or indirectly to the recovery of the covered species. These benefits include, but are not limited to, reducing fragmentation and increasing the connectivity of habitats
maintaining or increasing populations, enhancing and restoring habitats, and buffering protected areas.(i) "Programmatic agreement issued to a governmental or nongovernmental or nongovernmental or nongovernmental program administrator. The program administrator for a programmatic agreement issued to a governmental program administrator.
to implement the agreement. The program administrator and the department shall be responsible for ensuring compliance with the terms of the agreement. (j) "Qualified person" means, at the termination of an agreement, activities undertaken
by the landowner to return the species population or extent or quality of habitat to baseline, excluding catastrophic events such as floods, unplanned fires, or earthquakes, and other factors mutually agreed upon before permit issuance and that are beyond the control of the landowner. Credits (Added by Stats. 2009, c. 184 (S.B. 448), § 1. Amended by
 Stats. 2012, c. 559 (A.B. 2402), § 17; Stats. 2018, c. 329 (S.B. 473), § 16, eff. Jan. 1, 2019.) § 2089.5. Properties subject to conservation easement; priority; reliance on easement to fulfill requirements; application of section(a) The department shall, to the maximum extent practicable, prioritize the review of, and decision to approve, an agreement if the
property proposed to be enrolled in the agreement is encumbered by a conservation easement that requires a permanent commitment to protect, restore, and maintain habitat conditions, provided that the department finds that practices consistent with the conservation easement can reasonably be expected to provide a net conservation benefit to the
species listed in the application.(b) If the property proposed to be enrolled in an agreement is subject to a conservation easement, the department, to the maximum extent practicable, shall rely on the conservation easement to fulfill the requirements of Section 2089.8.(c) This section only applies to agreements where a majority of the property is
forestland. Credits (Added by Stats. 2018, c. 329 (S.B. 473), § 17, eff. Jan. 1, 2019.) § 2089.6. Agreement authorizing acts otherwise prohibited by § 2080; conditions (a) In addition to the other provisions of this article, the department may authorize acts that are or may become otherwise prohibited pursuant to Section 2000, 2080, or 2085 through an
agreement, including a programmatic agreement, if all the following conditions are met:(1) The department receives a complete application containing all of the information described in Section 2089.8.(2) The take is incidental to an otherwise lawful activity.(3) The department finds that the implementation of the agreement is reasonably expected to
provide a net conservation benefit to the species listed in the application. This finding shall be based, at a minimum, upon the determination that the agreement will not jeopardize the continued existence of the species. This
determination shall be made based on the provisions of subdivision (c) of Section 2081.(5) The department finds that the landowner has agreed, to the maximum extent practicable, to avoid or minimize any incidental take authorized in the agreement, including returning to baseline.(6) The department has established or approved a monitoring
program, based upon objective scientific methodologies, to provide information for the department to evaluate the effectiveness and efficiency of the agreement are being achieved and whether the participating landowner is implementing the provisions of the
agreement. (7) The department has determined that sufficient funding for the landowner to carry out management actions and for monitoring for the duration of the agreement. (8) Implementation of the agreement will not
be in conflict with any existing department-approved conservation or recovery programs for the species covered by the agreement is a declining or vulnerable species pursuant to this chapter, no further authorization
or approval shall be required for take of the species in accordance with the agreement, regardless of the species change in status. Credits (Added by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B
Owens pupfish in the Owens River watershed if the take is authorized under an agreement pursuant to this article. Credits (Added by Stats. 2016, c. 515 (A.B. 2001), § 1, eff. Jan. 1, 2017.) § 2089.8. Materials required to be submitted by landowner The landowner shall submit all of the following: (a) A detailed map depicting the land proposed to be
enrolled in the agreement. (b) The common and scientific names of the species for which the landowner requests incidental take authorization. (c) A detailed description of the landowner species, and the habitat of the covered species, for which the landowner requests
incidental take authorization. (d) A detailed description of the landowner's future land and water use and management practices that may affect the covered species, and the habitat of the covered species, for which the landowner requests incidental take authorization. This description shall be used only for informational and planning purposes. (e)
The proposed duration of the agreement that is sufficient to provide a net conservation benefit to the species covered in the permit and an explanation of the basis for this conclusion. (f) A description of the proposed management actions and the timeframe for implementing them. (g) A description of the possible incidental take that may be
caused by the management actions and of the anticipated species populations and habitat changes over the duration of the permit. (h) A detailed description of the proposed monitoring program. (i) Any other information that the department may reasonably require in order to evaluate the application. Credits (Added by Stats. 2009, c. 184 (S.B. 448), §
1.) § 2089.9. Proprietary information received by department; release or disclosure prohibited; exceptions (a) As used in this section, "proprietary information or land that is a part of an agricultural operation. (2) A trade secret, or commercial or financial
information, that is privileged or confidential, and is identified as such by the person provision of law or any regulation affecting the land or the agricultural operation on the land.(b) Proprietary information received by the department pursuant to Section
2089.8 is not public information, and the department shall not release or disclose the proprietary information to any person, including any federal, state, or local governmental agency, outside of the department to Section 2089.8 to
the following entities under the following circumstances: (1) Any person or federal, state, or local governmental agency working in cooperation with the department to provide technical or financial assistance for the purposes of implementing the program established
by this article. (3) Any entity, to the extent that the owner, operator, or producer has consented to the release or disclosure. (4) The general public, if the information has been transformed into a statistical or aggregate form without identifying any individual owner, operator, or producer, or the specific location from which the information was
gathered. (Added by Stats.2009, c. 184 (S.B.448), § 1.) § 2089.10. Alteration or modification of enrolled property implemented, the department shall allow the landowner to alter or modify the enrolled property, even if that alteration or modification will
result in the incidental take of a listed species, to the extent that the alteration or modification returns the species to baseline conditions. (Added by Stats.2009, c. 184 (S.B.448), § 1.) § 2089.12. Landowner required to provide advance notice of specified events; exceptions; access to land or water to remove or salvage species (a) Unless the department
determines that it is inappropriate to do so based on the nature of the management actions being proposed, the species listed in the permit, or other factors, the agreement shall require that the landowner provide the department with at least 60 days' advance notice of any of the following: (1) Any incidental take that is anticipated to occur under the
agreement.(2) The landowner's plan to return to baseline at the end of the agreement.(3) Any plan to transfer or alienate the landowner's interest in the land or water.(b)(1) If the department, its contractors, or agents with access to the land or water for
purposes of safely removing or salvaging the land or water for the purposes of paragraph (1). The department shall provide notice to the landowner at least seven days prior to accessing the land or water for the purposes of paragraph (2). The department shall provide notice to the landowner at least seven days prior to accessing the land or water for the purposes of paragraph (2).
(1), during the seven-day notice period, a landowner may object, in writing, to a person selected to access the land or water. If a landowner objects, another person shall be provided to the landowner pursuant to paragraph (2). However, if a landowner objects to a
selection on two successive occasions, the landowner shall be deemed to consent to access to the land or water by a person selected by the
department, its contractors, or agents.(4) If the landowner objects to a person selected for access to the land or water and the landowner's consent to a person
selected for access to the land or water. CREDIT(S)(Added by Stats. 2009, c. 184 (S.B. 448), § 1. Amended by Stats. 2010, c. 328 (S.B. 1330), § 66.) REPEAL § 2089.14. Amendment of agreement may be amended with the mutual consent of the landowner and the department. (Added by Stats. 2009, c. 184 (S.B. 448), § 1.) § 2089.16. Sale,
transfer, or alienation of land or water enrolled in agreement; duty of person or entity assuming that interest in the person or entity assuming that interest in the property shall (a) assume the existing landowner's duties
under the agreement, (b) enter into a new agreement with the department, or (c) withdraw from an existing agreement under the terms provided in the agreement, as approved by the department, or (c) withdraw from an existing agreement under the terms provided in the agreement, as approved by the department, or (c) withdraw from an existing agreement under the terms provided in the agreement, as approved by the department, or (c) withdraw from an existing agreement under the terms provided in the agreement, as approved by the department, as approved by the department, or (c) withdraw from an existing agreement under the terms provided in the agreement, as approved by the department, or (c) withdraw from an existing agreement under the terms provided in the agreement under the te
agreement shall be governed by suspension and revocation regulations adopted by the department. (Added by Stats.2009, c. 184 (S.B.448), § 1.) § 2089.20. Access to land or water proposed to be enrolled; notice to landowner; objections; landowner; lando
the enrolled land or water. The landowner shall provide the agreement, determine the baseline conditions, monitor the effectiveness of management actions, or safely remove or salvage species proposed to be taken. (b) The
department shall provide notice to the landowner at least seven days before accessing the land or water for the purposes of subdivision (a). The notice shall identify each person selected by the department, its contractors, or agents to access the land or water. (c) Notwithstanding subdivision (a), during the seven-day notice period, a landowner may
object, in writing, to a person selected to access the land or water. If a landowner objects, another person shall be selected by the department, its contractors, or agents, and notification shall be provided to the landowner shall be
deemed to consent to access to the land or water by a person selected by the department, its contractors, or agents. (d)(1) Notwithstanding any
other law, the landowner is not required to do either of the following:(A) Maintain enrolled in an agreement, in a condition that is safe for access, entry, or use by the department, its contractors, or agents for purposes of providing access pursuant to subdivision (a). (B) Provide to the department, its contractors, or agents for purposes of providing access pursuant to subdivision (a).
its contractors, or agents, any warning of a hazardous condition, use, structure, or activity on enrolled land or water, or land or water proposed to be enrolled in an agreement, for purposes of providing access pursuant to subdivision (a).(2) Notwithstanding any other law, the landowner shall not be liable for any injury, and does not owe a duty of
care, to the department, its contractors, or agents resulting from any act or omission described in subparagraph (A) or (B) of paragraph (2). (B) An assurance that the land or water is safe. (B) A grant to the person accessing the land or water of
a legal status for which the landowner would owe a duty of care. (C) An assumption of responsibility for any injury to a person or property caused by any act of the person to whom access to the land or water is provided. (4) Notwithstanding paragraphs (1) to (3), inclusive, this subdivision shall not be construed to limit a landowner's liability
for an injury under either of the following circumstances: (A) Willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity on the land or water. (B) Express invitation to a person by the landowner to access the land or water, in a manner that is beyond the access required to be provided pursuant to subdivision
(a).(e) Nothing in this section creates a duty of care or a ground of liability for injury to person or property. (Added by Stats.2009, c. 184 (S.B.448), § 1.) § 2089.22. Endangered, threatened, candidate, or declining or vulnerable species covered by federal agreement; no further authorization or approval needed to take; procedures; termination of
authority(a) If a federal safe harbor agreement, or a federal candidate conservation agreement to this chapter, no further
authorization or approval is necessary under this article for any person authorized by that federal agreement, if that person and the department follow all of the procedures specified in Section 2080.1, except that the determination of consistency shall be made by the
department based only on the issuance criteria contained in this article.(b) Any authority pursuant to subdivision (a) to take species identified in a federal agreement. Credits (Added by Stats. 2009, c. 184 (S.B. 448), § 1. Amended by Stats. 2018, c. 329 (S.B. 473), §
19, eff. Jan. 1, 2019.) § 2089.23. Property enrolled in agreement; incidental take permits; neighboring landowner to undertake management activities; conditions; neighboring landowner to provide notice of specified events; objections (a) A landowner that owns land that abuts a property enrolled in a state safe harbor agreement shall not
be required, for purposes of an incidental take permit, to undertake the management activities set forth in the state safe harbor agreement, if all of the following conditions on the property. (2) The neighboring landowner agrees to maintain the baseline
conditions for the duration specified in the safe harbor agreement. (3) The department determines that allowing the neighboring landowner to receive an incidental take permit for the abutting property does not undermine the net conservation benefit determination made by the department in the approval of the safe harbor agreement. (4) The take
authorized by the department will not jeopardize the continued existence of the species. This determination shall be made in accordance with subdivision (c) of Section 2081.(b)(1) Unless the department determines that it is inappropriate to do so based on the species listed in the permit, or any other factors, the neighboring landowner shall provide
the department with at least 60 days' advance notice of any of the following:(A) Any incidental take that is anticipated to occur under the permit.(B) The neighboring landowner's plan to return to baseline conditions.(C) Any plan to transfer or alienate the neighboring landowner's interest in the land or water.(2)(A) If the department receives any
notice described in paragraph (1), the neighboring landowner shall provide the department, its contractors, or agents with access to the land or water for purposes of safely removing or salvaging the species. (B) The department shall provide notice to the neighboring landowner at least seven days before accessing the land or water for the purposes of
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