



History of California's Legislative and Regulatory Actions to Protect Wildlife

1909 Non-game birds protected

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1957 Fully protected birds and mammals introduced into Fish and Game Code

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1970 California Endangered Species Act (CESA) enacted to protect rare and endangered species

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1977 Native Plant Protection Act (NPPA) enacted

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1983 California Environmental Quality Act (CEQA) amended to define and protect rare and endangered species

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2009 Safe Harbor Agreements introduced to Fish and Game Code

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Western meadowlark (*Sturnella neglecta*). Photo by Cathie Vouchilas, CDFW



Southern sea otter (*Enhydra lutris nereis*), fully protected. Photo by Dave Feliz, CDFW



Giant garter snake (*Thamnophis gigas*), threatened. Photo by Margaret Mantor, CDFW



Sonoma sunshine (*Blennosperma bakeri*), endangered. Photo by Jeb Bjerke, CDFW



Winter-run Chinook salmon (*Oncorhynchus tshawytscha*), endangered. Photo by Cathie Vouchilas, CDFW



California tiger salamander (*Ambystoma californiense*), threatened. Photo by Margaret Mantor, CDFW



1913 Sea otters protected

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1971 Commission declared 42 animals endangered or rare

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1970 California Species Preservation Act enacted

- Criteria developed for rare and endangered designations
- Fully protected amphibians, reptiles, and fish introduced to Fish and Game Code

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1984 CESA amended

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- Rare reclassified as threatened
- Candidate species introduced
- Plants included
- Incidental take of listed species allowed through memoranda of understanding

1997 CESA amended to allow incidental take of listed species through

- Incidental take permits (ITPs)
- Consistency determinations (CDs)
- Voluntary Local Program (VLP)

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Conserving California's Natural Resources *yesterday, today, and tomorrow.*

History of California's Legislative and Regulatory Actions to Protect Wildlife

- 1909: Non-game birds protected. Take or needless destruction of wild bird nests or eggs became a misdemeanor¹
- 1913: Sea otters protected. Hunting, pursuing, taking, killing, destroying, or having in possession any sea otter was punishable by a fine of up to \$1,000 and/or imprisonment up to one year²
- 1957: Fully protected birds and mammals introduced into Fish and Game Code.³ Fully protected animals were not allowed to be taken at any time.
- 1970: California Species Preservation Act⁴ – directed the Department to inventory all threatened fish and wildlife, develop criteria for rare and endangered, and report to the Governor and Legislature every two years of the status of these animals, including recommended measures for their protection and enhancement.
 - Made additions to the listing of fully protected birds and mammals
 - Established categories of fully protected amphibians, reptiles⁵, and fish⁶
- 1970: California Endangered Species legislation enacted to protect rare and endangered species.⁷ The legislation expressed concern about California's threatened wildlife, defined rare and endangered wildlife, gave authority to the Fish and Game Commission to deem what animals in California were rare and endangered, and prohibited importation of these animals except by permit.
 - Notable –
 - Recognized birds, mammals, fish, amphibian, and reptiles as species that may be endangered. Did not include insects or plants.
 - Listed "endangered" and "rare" as classifications – the current term "threatened" was not used
 - Did not include candidate species
 - Prohibited take⁸
 - Allowed importation through permits but there were no provisions for take
- 1971: The Commission declared 42 animals to be endangered or rare
- 1977: Native Plant Protection Act⁹ – Directed the Department to preserve, protect, and enhance native plants. This act gave the Fish and Game Commission the power to designate native plants as endangered, threatened, or rare and to require permits for collecting, transporting, or selling threatened or endangered plants.

¹ Statutes of California 1909, chapter 617

² Statutes of California 1913, chapter 562

³ Fish and Game Code section 3511 (fully protected birds) and section 4700 (fully protected mammals); Statutes of California 1957, chapter 1972

⁴ Statutes of California 1970, chapter 1036

⁵ Fish and Game Code section 5050 (fully protected reptiles and amphibians)

⁶ Fish and Game Code section 5515 (fully protected fish)

⁷ Fish and Game Code section 2050 et seq.; Statutes of California 1970, chapter 1510

⁸ "No person shall import into this state, or take, possess, or sell within this state, any bird, mammal, fish, amphibian, or reptile, or any part or product thereof, that the commission determines to be an endangered animal or rare animal, except as otherwise provided in this chapter" (§2053)

⁹ Fish and Game Code section 1900 et seq.; Statutes of California 1977, chapter 1181

- 1983: California Environmental Quality Act (CEQA) amended to include specific definitions and protection for rare and endangered plants and animals.
- 1984: California Endangered Species Act amended¹⁰. The act declared that it is the policy of the state to conserve, protect, restore, and enhance any listed species and its habitat. The definition of endangered was changed and the rare classification was changed to threatened. The amendment introduced the candidate species classification and granted them the same protection as listed species. In large part, the amendment focused on establishing procedures for species listing.

Notable –

- Allowed incidental take of listed species or candidates for scientific, educational, or management purposes (through memorandums of understanding)
 - Plants were included in the definitions of endangered and threatened species
 - Gave the Fish and Game Commission authority to adopt emergency regulations to add a species to the list of endangered or threatened species if the Commission found there was any emergency posing a significant threat to the continued existence of the species
 - Declared intent of Legislature to acquire lands for habitat conservation for listed species
 - Introduced jeopardy
 - Introduced mitigation and enhancement measures
 - Encouraged cooperation with landowners that own essential habitat for listed species
- 1997: CESA amended to allow CDFW to permit incidental take
 - Consistency determinations introduced to Fish and Game Code.¹¹
 - CDFW authorized to permit incidental take of a listed or candidate species (incidental take permits)¹² (§2018, subds. (b-d)). Previously, take of listed or candidate species was only allowed through memorandums of understanding for scientific, educational, or management purposes (see CESA 1984).
 - 1997: Voluntary Local Program¹³ introduced to encourage farmers and ranchers engaged in agricultural activities to establish locally designed programs to voluntarily enhance and maintain habitat for endangered and threatened species. Any taking of listed species incidental to routine and ongoing agricultural activities that occur while following specified management practices is not prohibited.
 - 2009: Safe Harbor Agreement¹⁴ introduced to encourage landowners to manage their lands voluntarily to benefit state-listed endangered, threatened, or candidate species.

¹⁰ Fish and Game Code section 2050 et seq.; Statutes of California 1984, chapter 1162 and 1240

¹¹ Fish and Game Code section 2080.1; Statutes of California 1997, chapter 508

¹² Fish and Game Code sections 2081, subdivisions (b-d); Statutes of California 1997, chapter 567

¹³ Fish and Game Code sections 2086-2089; Statutes of California 1997, chapter 528

¹⁴ Fish and Game Code sections 2089.2-2089.26; Statutes of California 2009, chapter 184