

[I wrote this past spring](#) about a proposal by the Trump Administration to eliminate the definition of harm in the regulations implementing the federal Endangered Species Act (ESA), which might eliminate protections from habitat modification for federally listed species. [I also noted three different steps](#) California could do to backfill the federal ESA if such a regulatory change occurred to ensure that at least California species remained protected.

The legislature has taken one of those steps. [AB 1319](#), just signed by the governor, allows the state Fish and Wildlife Commission to list for protection under the California Endangered Species Act (CESA) species within California that are federally listed but not state listed. The powers are triggered by any action at the federal level to weaken ESA protections.

There's more the legislature could do. It could require and empower the Commission to override provisions that allow federal ESA permits to automatically satisfy CESA compliance requirements if there is a weakening of federal law. And it could make crystal clear in state law that CESA protects against habitat modification. But this legislation covers the most important component – ensuring that all federally listed species in California can receive protection even if the ESA is watered down.