

CALIFORNIA CODES
FISH AND **GAME CODE**
SECTION 2050-2068

2050. This chapter shall be known and may be cited as the California **Endangered Species Act**.

2051. The Legislature hereby finds 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, extinction because their habitats are threatened with destruction, adverse modification, or severe curtailment, or because of overexploitation, 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.

2052. 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**.

2052.1. The Legislature further finds and declares that if any provision of this chapter requires a person to provide mitigation measures or alternatives to address a particular impact on a candidate **species**, threatened **species**, or **endangered species**, the 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 required shall maintain the person's objectives to the greatest extent possible consistent with this section. All required measures or 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 shall not affect the state's obligations set forth in Section 2052.

2053. The Legislature further finds and declares that it is the policy of the state that state agencies should not approve projects

as proposed which would jeopardize the continued existence of any **endangered species** 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.

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.

2054. 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.

2055. The Legislature further finds and declares that it is the policy of this state that all state agencies, boards, and commissions shall seek to conserve **endangered species** and threatened **species** and shall utilize their authority in furtherance of the purposes of this chapter.

2056. The 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**.

2060. The definitions in this article govern the construction of this chapter.

2061. "Conserve," "conserving," and "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.

2062. "**Endangered species**" means a native **species** or subspecies 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**."

2063. "Feasible" means feasible as defined in Section 21061.1 of the Public Resources **Code**.

2064. "Project" means project as defined in Section 21065 of the Public Resources **Code**.

2065. "State lead agency" means the state agency, board, or commission which is a lead agency under the California Environmental Quality **Act** (Division 13 (commencing with Sec. 21000) of the Public Resources **Code**).

2067. "Threatened **species**" means a native **species** or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that, although not presently threatened with extinction, is likely to become an **endangered 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**."

2068. "Candidate **species**" means a native **species** or subspecies of a bird, mammal, fish, amphibian, reptile, or plant that the commission has formally noticed as being under review by the department for addition to either the list of **endangered species** or the list of threatened **species**, or a **species** for which the commission has published a notice of proposed regulation to add the **species** to either list.