



Photo Credit: Santa Monica Mountains National Recreation Area

SB 131 is a Threat to California's Wildlife

SB 131 currently allows projects to be exempted from CEQA review even if the proposed project would destroy habitat for rare and endangered species. SB 131 defines “natural and protected lands” to EXCLUDE habitat essential for rare and declining species’ survival as well as habitat important for adopted conservation plans. This is inconsistent with existing law,¹ undercuts California’s commitment to protecting 30 percent of our state’s lands by 2030 and represents a grave threat to our State’s iconic wildlife.

CALL TO ACTION: California is counting on the Legislature to uphold its commitment to fix SB 131 by amending the definition of “natural and protected lands” to include habitat for candidate, rare, endangered, and special status species as well as lands important for adopted conservation plans. Failure to fix this terrible flaw in SB 131 will devastate sensitive ecosystems and backtrack California’s effort to reach its 30x30 goals.

BACKGROUND:

- CEQA is one of the few tools available to protect habitat and limit the impacts of potentially harmful developments.
- If a project no longer requires environmental review, there would be no obligation for project developers to conduct biological surveys of the land being developed.
- Most private property has not been surveyed for the presence of a species. Instead, the California Department of Fish and Wildlife (CDFW) either waits for developers to request a permit under the California Endangered Species Act (CESA) or relies on the biological surveys generated through the CEQA process to provide the necessary information to lead agencies.
- Without the requirement by CEQA to conduct biological surveys, CDFW would be very limited in their ability to enforce CESA.
- In most cases there would be no mechanism to require mitigation for the loss of habitat. No mitigation for loss of habitat would lead to an overall loss of habitat from these projects, potentially pushing declining species closer to extinction.
- This outcome directly contradicts the state’s statutory goal of achieving its 30x30 goal, which aims to halt the extinction crisis.²

¹ SB 35 (Weiner) By Right Housing and AB 130 (2025 Budget Trailer bill) both exclude projects that impact habitat for candidate, rare, endangered, and special status species and for lands essential to completing habitat reserves in Habitat Conservation Plans/Natural Community Conservation Plans.

² Executive Order N-82-20. Governor Gavin Newsom. 2020. Accessed, June 25, 2025 <https://www.gov.ca.gov/wp-content/uploads/2020/10/10.07.2020-EO-N-82-20-.pdf>

CASE STUDY:

In Imperial County, leaders learned about the environmental harms of a [gold mining project](#)³ from Tribal and community members through the CEQA disclosure process. The mine would be water intensive and destructive to the habitat of desert tortoises and other sensitive wildlife. With industrial and manufacturing projects now exempt from CEQA, polluting industries can skip the necessary scientific analysis that keeps them in check.



Photo Credit: USFWS

CEQA 101

The California Environmental Quality Act (CEQA) protects people and California's natural lands from the harmful effects of industry and other development. It requires that projects analyze their potential effects on air, water, wildlife as well as many other environmental factors, and mitigate any significant negative impacts.

Four provisions make CEQA particularly effective where permits and other regulatory measures fall short. The law (1) *provides for meaningful community engagement*; (2) *requires the assessment of alternative project sites*; (3) *analyzes cumulative environmental impacts*; and (4) *can trigger the application of other protective laws, including CESA*.

Ultimately, **CEQA Improves Projects**. CEQA is used by communities to better understand the impacts of a proposed project and advocate for mitigation measures that reduce that impact. Most of this advocacy is done through engagement in the public comment period. Fewer than two out of every 100 projects (1.9%) were litigated under CEQA between 2013 and 2021. The vast majority of the lawsuits that did occur still resulted in improved projects rather than halting the project all together.⁴

SB 131's failure to include habitat protection is a stark departure from existing CEQA exemptions. Senator Weiner and Assemblymember Wicks have included habitat in past CEQA exemptions such as Senate Bills 35 and 423 and Assembly Bill 609, which was incorporated into AB 130. There is no reason why habitat should be excluded from Senate Bill 131.

Amend SB 131 to protect California's natural lands!

CONTACTS: Elizabeth Reid-Wainscoat, Campaigner, ereidwainscoat@biologicaldiversity.org; Kim Delfino, Earth Advocacy, kdelfino@earth-advocacy.com; Natalie Brown, Planning and Conservation League, natalie@pcl.org

³ Center for Biological Diversity Press Release. March 20, 2024. https://biologicaldiversity.org/w/news/press-releases/vote-halts-risky-gold-mining-project-in-southern-california-desert-2024-03-20/?_gl=1*1hu7t95*_gcl_au*OTU0MzA1NDUzLjE3NTA3MDAxNjg.

⁴ Rose Foundation for Communities and the Environment, CEQA By the Numbers: Myths and Facts (Rose Foundation: May 2023).