
THIRD READING

Bill No: AB 1089
Author: Carrillo (D)
Amended: 7/21/25 in Senate
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 6-0, 7/16/25
AYES: Limón, Seyarto, Allen, Hurtado, Laird, Stern
NO VOTE RECORDED: Grove

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/29/25
AYES: Caballero, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 65-0, 4/28/25 - See last page for vote

SUBJECT: Western Joshua Tree Conservation Act: industrial projects and
commercial projects: tree removal and trimming

SOURCE: Author

DIGEST: This bill (1) authorizes the California Department of Fish and Wildlife (CDFW) to enter into an agreement with any city to delegate to the city the taking of a Western Joshua Tree (WJT) associated with commercial and industrial projects in certain conditions, and (2) revises CDFW's authority to issue a permit for the removal of WJT, including to meet defensible space requirements, among other provisions, as specified.

ANALYSIS:

Existing law:

- 1) Prohibits the taking of an endangered or threatened species, except in certain situations. (Fish and Game Code (FGC) §§2070 *et seq.*). Defines "take" as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. (FGC §86)

- 2) Allows CDFW to authorize the taking of listed species pursuant to an incidental take permit if the taking is incidental to an otherwise lawful activity, the impacts are minimized and fully mitigated, and the issuance of the permit would not jeopardize the continued existence of the species. (FGC §§2081; 2084)
- 3) Establishes the Western Joshua Tree Conservation Act that enacts the following, among other provisions (FGC §§1927 *et seq.*):
 - a) Prohibits any person or public agency from importing into the state, exporting out of the state, or taking, possessing, purchasing, or selling within the state, a WJT or any part or product of the tree, except as provided pursuant to existing law or by paying a specified fee;
 - b) Specifies that certain take authorizations apply during any period in which the WJT has been designated by the California Fish and Game Commission (commission) as a candidate for listing under the California Endangered Species Act (CESA), if the commission lists the WJT as endangered or threatened pursuant to the CESA, and upon the approval of a natural community conservation plan in which the WJT is a covered species;
 - c) Authorizes CDFW to issue a permit for the taking of a WJT if specified conditions are met, including, that the permittee mitigates all impacts to, and taking of, the WJT;
 - d) Authorizes a permittee, in lieu of completing the mitigation measures on its own, to elect to satisfy the mitigation obligation by paying a fee pursuant to a specified fee schedule;
 - e) Authorizes CDFW to enter into an agreement with any county or city to delegate to the county or city the ability to authorize the taking of a WJT associated with developing single-family residences, accessory structures, and public works projects, as defined, concurrent with the city's or county's approval of the project;
 - f) Authorizes CDFW or its designee to issue a permit to authorize the removal or trimming of a dead WJT or the trimming of a live WJT; and without the payment of a fee or other mitigation in certain circumstances, such as when a dead WJT creates an imminent threat to health and safety, as provided.

This bill authorizes CDFW to enter into an agreement with any city to delegate to the city the taking of a WJT associated with commercial and industrial projects in certain conditions, and revises and recasts CDFW's authority to issue a permit for

the removal of WJT, including to meet defensible space requirements, among other provisions, as specified.

This bill:

- 1) Authorizes CDFW to additionally enter into a delegation agreement with a city to authorize the take of a WJT associated with developing commercial and industrial projects concurrent with the city's approval.
 - a) Requires the commercial or industrial project to take no more than 10 WJT.
 - b) Prohibits the commercial or industrial project from using the reduced in lieu mitigation fees, unless those projects are within a certain boundary, as specified.
- 2) Additionally authorizes CDFW to issue a permit without payment of a fee or other required mitigation to authorize the removal or trimming of:
 - a) A dead WJT limb if it has fallen over and is within 30 feet of a structure, is leaning against an existing structure, or creates an imminent threat to health and safety.
 - b) A WJT located within 100 feet of an existing single-family home and any associated accessory structure, and removal or trimming is necessary for the homeowner to meet defensible space requirements, as provided. An existing exemption to the California Environmental Quality Act applies to all permits issued to the homeowner to perform this work, as specified.
- 3) Requires CDFW to approve or deny a permit within 30 days for the defensible space treatments described above in 2b). Adds a dead WJT limb, as described above in 2a), to existing CDFW requirements to approve or deny a permit within 10 or 30 days for the removal or trimming of a dead WJT tree, as provided.
- 4) Makes various technical and conforming changes.

[NOTE: See the Senate Natural Resources and Water Committee analysis for additional information regarding this bill.]

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- Unknown but potentially significant ongoing costs, likely in the high hundreds of thousands of dollars annually (General Fund), for CDFW to implement the provisions of this bill.

SUPPORT: (Verified 8/29/25)

Antelope Valley Economic Development & Growth Enterprise
California Cement Manufacturers Environmental Coalition
Community Water Systems Alliance
County of San Bernardino
Palmdale Water District

OPPOSITION: (Verified 8/29/25)

Audubon California
California Native Plant Society
Center for Biological Diversity
Defenders of Wildlife
Mojave Desert Land Trust
Planning and Conservation League
Sierra Club California

ARGUMENTS IN SUPPORT: According to the author, “The Western Joshua Tree is an iconic symbol of the High Desert region and I support the preservation of this species. Although the state has been moving in the right direction to protect this iconic species while meeting our state’s goals, we still need to address the need to streamline permitting for projects that are vital economic developments for local governments in the growing Antelope Valley and throughout the high desert. With the increased cost of living and lack of space in the metropolitan areas of Los Angeles, more people are continuing to move into the High Desert region. We must strike a balance between conservation and the urgently needed housing and economic development that is needed to address the increases in population.”

San Bernardino County adds that AB 1089 “makes targeted, pragmatic updates” to the WJTCA to “ensure continued conservation of this iconic desert species while addressing urgent local needs for economic development and wildfire resilience.”

ARGUMENTS IN OPPOSITION: The Center for Biological Diversity writes in opposition that “AB 1089 represents an unnecessary and premature amendment to the [WJTCA] that would weaken critical protections for the western Joshua Tree and undermine the delicate and carefully negotiated compromise that led to the Act’s passage.” The Center continues that the WJTCA “strikes a delicate balance:

protecting the western Joshua tree, streamlining permitting for housing, renewable energy, and public works projects while protecting the integrity of CESA [...]"

In a joint sign-on opposition letter, the Defenders of Wildlife and others write that the WJTCA delegated "'take' authority to local government for a limited class of projects (single-family residences, multifamily residences, accessory structures, and public works projects). [...] To date, no local government has signed a delegation agreement. Therefore, it is too soon to know if the framework of SB 122 does or does not work."

Opponents also recommend that the in lieu fees be raised as they are too low to provide for adequate mitigation.

ASSEMBLY FLOOR: 65-0, 4/28/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Calderon, Carrillo, Castillo, Chen, Davies, DeMaio, Dixon, Ellis, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Rivas

NO VOTE RECORDED: Boerner, Bonta, Bryan, Caloza, Connolly, Elhawary, Flora, Jackson, Kalra, Krell, Muratsuchi, Sanchez, Schultz, Zbur

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