

GOVERNOR'S VETO
AB 1089 (Carrillo)
As Enrolled September 16, 2025
2/3 vote

SUMMARY

Authorizes the 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 associated with commercial and industrial projects as well as revises CDFW's authority to issue a permit for the removal of a western Joshua tree, including to meet defensible space requirements.

Governor's Veto Message

"This bill authorizes [CDFW] to enter into an agreement with any city to delegate to the city the taking of a Western Joshua Tree associated with commercial and industrial projects. In addition, this bill revises CDFW's authority to issue a permit for the removal of a Western Joshua

Tree around single-family homes.

The Western Joshua Tree Conservation Act (WJTCA) of 2023 was carefully crafted to balance the need to develop housing and clean energy projects in the Mojave Desert region, while creating a robust but practical permitting process aimed at protecting one of California's most iconic species. The [WJTCA] currently authorizes CDFW to enter into an agreement with any county or city and delegate limited authority to permit the taking of a Western Joshua Tree associated with developing single-family residences, multifamily residences, accessory structures, and public works projects.

While I recognize the desire to expand this delegated authority to include the taking of these trees where commercial and industrial projects are sited, this bill goes too far in authorizing the blanket removal of these trees near single-family homes that will ultimately undermine Western Joshua Tree protections and conservation requirements under the [WJTCA]. Furthermore, this bill would increase the complexity and time required to manage the permitting process as modified by this measure.

COMMENTS

Western Joshua trees are widely distributed in the Mojave Desert region of California. According to CDFW's Status Review of the species, estimates indicate that the abundance of the western Joshua tree is currently relatively high, but there is high uncertainty in estimates of population size due to both the uncertainty of density estimates, and uncertainty regarding how much area is occupied by the species.

To provide protections to western Joshua trees and hopefully prevent an official listing while enabling development, the WJTCA was enacted in 2023. The WJTCA prohibits the importation, export, take, possession, purchase, or sale of any western Joshua tree in California unless authorized by CDFW. WJTCA authorizes CDFW to issue permits for the incidental take of one or more western Joshua trees if the permittee meets certain conditions. Permittees may pay specified fees in lieu of conducting mitigation activities. WJTCA also authorizes CDFW to issue permits for the removal of dead western Joshua trees and the trimming of live western Joshua trees under certain circumstances.

Pursuant to the WJTCA, CDFW may enter into an agreement with any county or city to delegate limited authority to permit the take of a western Joshua tree associated with developing single-family residences, multifamily residences, accessory structures, and public works projects (Delegation Agreements). Delegation Agreements for this purpose limit the number of trees that may be taken depending on the type of project. CDFW may similarly enter into Delegation Agreements with any county or city to permit the removal of dead western Joshua trees and the trimming of live western Joshua trees. Delegation Agreements just became available as of February 28, 2024 and CDFW began negotiating agreements with several local agencies. To date, no delegation agreements have been approved.

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."

Arguments in Support

Several groups write in support of this bill referencing the escalating cost and regulatory complexity due to the WJTCA. They note that increasing local government engagement, as proposed by this bill, will reduce environmental impacts and costs to the state. San Bernardino County adds that this bill "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

None on file. Previous opposition has changed their position to neutral.

FISCAL COMMENTS

According to the Senate Appropriations Committee, this bill has unknown, but potentially significant ongoing costs, likely in the high hundreds of thousands of dollars annually (General Fund).

VOTES

ASM WATER, PARKS, AND WILDLIFE: 11-0-2

YES: Papan, Jeff Gonzalez, Alvarez, Ávila Farías, Bains, Bennett, Hart, Macedo, Celeste Rodriguez, Rogers, Tangipa

ABS, ABST OR NV: Boerner, Caloza

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 65-0-14

YES: 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

ABS, ABST OR NV: Boerner, Bonta, Bryan, Caloza, Connolly, Elhawary, Flora, Jackson, Kalra, Krell, Muratsuchi, Sanchez, Schultz, Zbur

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ASSEMBLY FLOOR: 76-0-4

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Johnson, Krell, 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, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Boerner, Jackson, Kalra, Muratsuchi

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