



Senate Bill 1061: Western Joshua Tree Conservation Act Clarifying “Take” and Streamlining Compliance

Summary

Senate Bill 1061 clarifies the definition of “take” under the Western Joshua Tree Conservation Act (WJTCA) to create a more realistic management plan for this stationary plant species.

This bill narrows the definition so that the unintentional or accidental death of a Western Joshua tree is not considered a take. It also exempts the relocation of trees within or between commonly owned parcels from permitting requirements.

Background

The WJTCA protects the species by broadly prohibiting the import, export, possession, sale, or take of Western Joshua trees unless authorized by the California Department of Fish & Wildlife (CDFW).

Under the WJTCA, a permit is required for activities that result in the taking of a tree, and permit holders must mitigate impacts by carrying out minimization or relocation actions prescribed by CDFW, by paying fees, or both.

While the WJTCA has strengthened protections for the species, its reliance on a definition designed for animals has created confusion and unintended consequences when applied to stationary plants.

Existing Law

Fish & Game Code Sec. 86 defines “take” to mean to hunt, pursue, catch, capture or kill, or attempt to take any of those actions. This definition is rooted in wildlife management that assumes mobility and active human pursuit. Applying it to a stationary plant like the Western Joshua tree creates practical and legal inconsistencies.

For example, plants cannot be “pursued,” “caught,” or “captured.” The existing definition also does not distinguish between intentional actions and accidental outcomes, leaving property owners

potentially liable for outcomes beyond their control. As a result, the current framework can overextend permitting requirements in situations that do not meaningfully threaten the Western Joshua tree species.

Solution

SB 1061 addresses these concerns by clarifying that, for the purposes of the WJTCA, “take” does not include the unintentional or accidental death of a Western Joshua tree, ultimately aligning the law with the biological reality of stationary plants and ensuring that enforcement is focused on deliberate actions rather than unforeseen outcomes.

This change protects property owners from liability for accidental damage while preserving CDFW’s ability to investigate and enforce against intentional harm, as CDFW retains the authority to assess evidence of intent and apply existing penalties for violations or false claims.

In addition, SB 1061 establishes a targeted exemption for the relocation of Western Joshua trees within the same parcel or to a contiguous parcel under the same ownership, recognizing that such actions do not result in a net loss of trees and therefore should not trigger permitting requirements.

Together, these updates reduce unnecessary regulatory burdens, provide clarity, and support practical, conservation-minded land management without weakening protections for the species.

For More Information

Bill text and status can be found at <http://leginfo.legislature.ca.gov/>