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Public Law Update - New Conservation Element Requirement to Consider Wildlife and Habitat Connectivity (AB 1889)

Assembly Bill 1889 (“AB 1889”) was signed by Governor Newsom on September 27, 2024 and requires local jurisdictions, including cities, counties, and cities and counties, to consider and implement measures to avoid, minimize, or mitigate impacts to fish, wildlife, and habitat connectivity from existing and planned land uses within their jurisdictions.

AB 1889 would generally require a local jurisdiction, upon the next update of one or more elements of the general plan on or after January 1, 2028 to update the conservation element to do the following: 1) identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, as those terms are defined in Section 158 of the Streets and Highways Code; 2) identify and analyze existing or planned wildlife passage features, as defined in Section 158 of the Streets and Highways Code, including, but not limited to, wildlife passage features included in the inventory of connectivity needs on the state highway system, as described in Section 158.1 of the Streets and Highways Code, to ensure that planned development does not undermine the effectiveness of existing and potential wildlife passage features, as defined in Section 158 of the Streets and Highways Code; 3) consider the impacts of development and the barriers caused by development to wildlife and habitat connectivity; and 4) avoid, minimize, or mitigate impacts and barriers to wildlife movement to the extent feasible.

When updating the conservation element, a local jurisdiction may consider incorporating appropriate standards, policies, and feasible implementation programs, consult with specified entities, and consider relevant best available science and the most appropriately scaled scientific information on linkages, corridors, and other locations that are essential to maintain landscape connectivity. A local jurisdiction may also incorporate by reference into its general plan an existing plan, such as a local coastal plan, that meets the requirements of AB 1889 or may create a separate component or section of the general plan entitled wildlife connectivity element to meet the requirements of AB 1889.

Burke, Williams & Sorensen, LLP regularly advises clients on legal matters relating to land use and planning issues.

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