

Date of Hearing: April 14, 2026

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

AB 1808 (Carrillo) – As Amended March 19, 2026

SUBJECT: Western Joshua Tree Conservation Act: industrial projects and commercial projects: single-family residences: public works projects

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 and authorizes CDFW to permit, without payment of fees or other mitigation, the removal or trimming of a western Joshua tree by the owner of an existing single-family residence or by the developer of a public works project, under certain circumstances. Specifically, **this bill**:

- 1) 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.
- 2) Prohibits the taking of more than ten individual trees for commercial or industrial projects that are permitted through the delegated authority to cities.
- 3) Enables CDFW to authorize by permit, without payment of fees or other mitigation, both of the following:
 - a) The removal or trimming by a single-family homeowner of a western Joshua tree that is either of the following:
 - i) Within 30 feet of the single-family residence or within 15 feet of an existing accessory structure; or
 - ii) Within the construction footprint, or within 15 feet of the construction footprint, of a new accessory structure that is proposed to be constructed for the single-family residence.
 - b) The removal or trimming by a developer of a public works project of a western Joshua tree that is within the construction footprint, or within 15 feet of the construction footprint, of the public works project.
- 4) Requires the property owner or public works project developer seeking a permit to submit a request to CDFW on a form to be provided by CDFW that requires the following information:
 - a) The name, telephone number, mailing address, and email address of the property owner or public works project developer seeking the permit;
 - b) The street address or assessor's parcel number of the single-family residence or public works project on which each western Joshua tree requested to be removed or trimmed is located;

- c) A statement as to whether each western Joshua tree requested to be removed or trimmed meets the conditions described in #3, above;
 - d) The size class of each western Joshua tree requested to be removed or trimmed;
 - e) The distance of each western Joshua tree requested to be removed or trimmed from the single-family residence, existing accessory structure, or construction footprint of a new accessory structure that is proposed to be constructed or of the public works project; and
 - f) Photographs of each western Joshua tree requested to be removed or trimmed that depict its location relative to the single-family residence, existing accessory structure, or construction footprint of a new accessory structure that is proposed to be constructed or of the public works project.
- 5) Within 60 days of receipt of a request for a permit, requires CDFW to do either of the following:
- a) Notify the property owner or public works project developer that CDFW will issue a permit for the removal or trimming of the western Joshua tree; or
 - b) Deny the request and include a brief description explaining why a permit cannot be issued.
- 6) Exempts permits issued pursuant to #3a from the California Environmental Quality Act (CEQA).

EXISTING LAW:

- 1) Specifies that CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species [Fish and Game Code (FGC) § 1802].
- 2) Defines “take” as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill (FGC § 86).
- 3) Prohibits the taking of an endangered or threatened species, except in certain situations (FGC § 2070 *et seq.*).
- 4) Allows CDFW to authorize the taking of listed species pursuant to an incidental take permit (ITP) 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 and § 2084).
- 5) Establishes the Western Joshua Tree Conservation Act (WJTCA) that enacts the following (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 western Joshua tree

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 western Joshua tree has been designated by the Fish and Game Commission (Commission) as a candidate for listing under the California Endangered Species Act (CESA), if the Commission lists the western Joshua tree as endangered or threatened pursuant to the CESA, and upon the approval of a natural community conservation plan in which the western Joshua tree is a covered species;
- c) Authorizes CDFW to issue a permit for the taking of a western Joshua tree if specified conditions are met, including that the permittee avoids, minimizes, and mitigates all impacts to, and taking of, the western Joshua tree. Specifies that minimization includes trimming, encroachment of root systems, relocation, and other actions that result in detrimental impacts to the tree;
- d) 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 western Joshua tree 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;
- e) Authorizes CDFW or its designee to issue a permit to authorize the removal or trimming of a dead western Joshua tree or the trimming of a live western Joshua tree, upon receipt of permit and payment of applicable administrative fees;
- f) Authorizes CDFW or its designee to issue a permit, without payment of fees or other mitigation of a dead tree or limbs of a dead or live tree
 - i) Have fallen over and are within 30 feet of a structure;
 - ii) Are leaning against an existing structure; or
 - iii) Create an imminent threat to public health or safety;
- g) 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;
- h) Requires CDFW to annually adjust the fees for inflation, and to review the fees by December 31, 2026, and every four years thereafter, to ensure the conservation of the western Joshua tree;
- i) Requires all fees remitted to CDFW to be deposited into the Western Joshua Tree Conservation Fund (Conservation Fund), as provided, and requires the moneys in the Conservation Fund, upon appropriation by the Legislature, to be used solely for the purposes of acquiring, conserving, and managing western Joshua tree conservation lands and completing other activities to conserve the western Joshua tree.
- j) Requires CDFW to develop and implement a western Joshua tree conservation plan in collaboration with governmental agencies, California Native American tribes, and the

public. Specifies that CDFW shall present the final conservation plan at a public meeting of the Commission, for its review and approval, by December 31, 2024, and requires the Commission to take final action on the plan by June 30, 2025;

- k) Requires CDFW to submit an annual report to the Commission and the Legislature addressing the conservation status of the western Joshua tree, as provided; and
- l) Requires the Commission, beginning in 2026, and at least every four years thereafter, to, at a public meeting, review the status of the western Joshua tree and the effectiveness of the conservation plan, as specified.

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** The author notes that the western Joshua tree is an iconic symbol of the High Desert region and supports the preservation of the species, but notes that the WJTCA has put a burden on single-family homeowners and public works. According to the author, “Single-family homeowners who love the western Joshua tree struggle as they are expected to spend tens of thousands of dollars on fees to upgrade from a septic tank or build a shed. Local governments that represent historically disenfranchised areas are expected to spend millions of additional dollars on upgrading infrastructure, some of which haven’t been upgraded since the 19th century. All the while these same governments are unable to permit vital economic development projects, as their constituency grows rapidly due to lack of space and affordability in the LA Metropolitan area. We must strike a balance between conservation and the needs of an increase in population.”
- 2) **Background.** The western Joshua tree, *Yucca brevifolia*, is a member of the Agave family. The Joshua tree is a monocot in the subgroup of flowering plants that also includes grasses and orchids. Many birds, mammals, reptiles, and insects depend on the Joshua tree for food and shelter.

The tree’s life cycle begins with the rare germination of a seed—its survival dependent upon well-timed rains. Young sprouts may grow quickly in the first five years, then slow down considerably thereafter. The tallest Joshua trees can be more than forty feet (12.2 meters) high. Determining the age of a Joshua tree is difficult, and rough estimates are often based on height—Joshua trees grow at rates of one-half inch to three inches per year. Some researchers think an average lifespan for a Joshua tree is about 150 years, but some of the largest trees may be older than that. Research suggests that the tree may require approximately 50–70 years to reach reproductive maturity. The federal government owns 63% of the western Joshua tree range, the state 2%, and private, local, and non-governmental entities own the remaining 35%. San Bernardino County has 13% of the range, Kern County 8% of the range, and Los Angeles County has 8% of the range.

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. The eastern Joshua tree is also present in California, but is not considered in this bill or this analysis.

Threats to western Joshua trees. Populations of western Joshua trees within California have declined following European settlement of the Mojave Desert region, primarily due to habitat loss and degradation related to agricultural conversion and development. CDFW estimates that approximately 30% of the habitat occupied by western Joshua trees in California may have been modified between European settlement and the present. Habitat loss, wildfires, aridification, and other climate change effects are major threats to the western Joshua tree. For example, in 2020, the Dome Fire incinerated 1.3 million Joshua trees in a part of the Mojave National Preserve called the Cima Dome. While potentially less immediate than other threats, climate change could represent an existential threat to the western Joshua tree. CDFW expects that some of the effects of climate change (e.g., increased temperatures and decreased total water availability locally) will likely contribute to a decline in populations of western Joshua trees within California through the end of the 21st century. CDFW estimated that 7.2% of the western Joshua tree range has been converted.

Proposed CESA listing. In response to this threat, the western Joshua tree was proposed for listing as threatened under CESA at the Commission in late 2019. The Commission accepted the western Joshua tree as a candidate species in 2020 and has not made a final decision on the listing yet. While a candidate for listing, the western Joshua tree has similar protections to those of a listed species. This includes take prohibitions and take authorization through permits obtained from CDFW. Since becoming a candidate, take permits were issued under FGC § 2081 and § 2084.

The Western Joshua Tree Conservation Act. To provide protections to western Joshua trees and hopefully prevent an official listing while enabling development, WJTCA was enacted in 2023 (see Related Legislation and Existing Law). 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 became available as of February 28, 2024. To date, no delegation agreements have been approved.

Under WJTCA, all in-lieu fees collected will be deposited into the Conservation Fund for appropriation to CDFW solely for the purposes of acquiring, conserving, and managing

western Joshua tree conservation lands and completing other activities to conserve the western Joshua tree. Additionally, WJTCA requires CDFW to develop and implement a western Joshua tree conservation plan in collaboration with governmental agencies, California Native American tribes, and the public. CDFW must also develop annual reports assessing the conservation status of the western Joshua tree and submit them to the Commission and the State Legislature no later than January 1 of each year, starting in 2025. The Commission is expected to postpone final consideration of the petition to list the western Joshua tree until CDFW submits an updated status review to the Commission by no later than January 1, 2033.

WJTCA Conservation Plan. The Conservation Plan establishes conservation management actions necessary to conserve the western Joshua tree and objective, measurable criteria to assess the effectiveness of such actions. These include:

- Avoidance and minimization of impact— retain healthy trees, implement avoidance buffers, tree relocation, collect and store seeds, and minimize impacts from fire.
- Land conservation and management— identify, protect, and manage priority conservation lands, restore and enhance habitat, and develop and implement a seed conservation strategy.
- Tribal co-management— establish co-management principles.
- Research to inform long-term conservation— assess genetic variation, study yucca moth, and study salvage and relocation methods.
- Education and awareness.

WJTCA by the numbers. CDFW also implemented two permitting systems: as of March 2026, 106 WJTCA ITPs and 742 hazardous management permits have been issued. Through 2023–2025, 23,854 trees have been authorized for lethal removal. Each permit type takes on average the following number of trees: single-family residence (41), multi-family residence (133), accessory structures (7), public works projects (246), commercial projects (176), and industrial projects (306). As of March 2026, \$14.4 million has been collected from permits, with 283 acres being conserved but with more acquisitions planned for this year now that CDFW has contracted with consultants to pursue new conservation opportunities.

Recent WJTCA implementation updates. The WJTCA included various triggers to evaluate the effectiveness of the act [see Existing Law #5 (h) and (l)]. Beginning in 2026, and at least every two years thereafter, the Commission shall review the status of the western Joshua tree and the effectiveness of the Conservation Plan in conserving the species. Concurrent with each review, CDFW will make recommendations to the Commission, as necessary, for amendments to the Conservation Plan to ensure the conservation of the western Joshua tree. CDFW has recently concluded public comments on the Conservation Plan and expects to present recommendations to the Commission at the August meeting.

By December 31, 2026, and every three years afterward, CDFW is required to adjust fees as necessary to ensure the conservation of the western Joshua tree using “total cost accounting when determining the adequacy of the fees for ensuring conservation of the species, including ensuring sufficient funds for land acquisition or conservation easement costs, monitoring costs, restoration costs, transaction costs, and the amount of endowments for land management or easement stewardship costs.” Initial review by CDFW indicates that fees are currently insufficient to satisfy the standards of the WJTCA and will be evaluating alternative fee schedules. Notably, in public meetings, CDFW staff have indicated that they intend to seriously explore reducing the fee burden on small impact projects, such as those for single-family residences, which are a small portion of fee revenues. CDFW is currently drafting an initial statement of reasons for the regulation change, which is expected to be released this May and will be followed by a public comment period and public meeting in the summer.

WJTCA and CEQA. CDFW permits the take of a species listed under CESA through ITPs. ITPs enable the take of a CESA-listed species during an otherwise lawful activity. CDFW’s issuance of an ITP is considered a discretionary action under CEQA, so before CDFW can issue an ITP, the applicant must have completed the necessary steps under CEQA.

CDFW must also comply with CEQA to issue a take authorization under the WJTCA. CDFW acknowledges that these new regulatory requirements and associated costs can be particularly burdensome on project proponents and property owners seeking individual ITPs for small-scale projects with limited impacts to western Joshua trees. CDFW is currently drafting a Programmatic Environmental Impact Report (PEIR) that is intended to provide a streamlined mechanism of CEQA compliance for property owners or land managers engaging in actions that have potential to result in limited take of western Joshua tree, as authorized under the WJTCA. The PEIR also includes coverage of actions by CDFW on its own properties. On November 18, 2025, CDFW noticed its preparation of the PEIR and expects to release the document by fall with certification by early 2027.

- 3) **Proposed committee amendments.** To better align this bill with existing thresholds and protections for western Joshua trees under WTCA, the Committee may wish the author to take the following amendments:

Amendments to Section 1, regarding delegated agreements:

(c) (3) (C) The project will take no more than 10 individual western Joshua trees on the project site where the project proponent proposes to construct a single-family residence, multifamily residence, accessory structure, ~~commercial project, or industrial project~~, or no more than 40 individual western Joshua trees on the project site on which a ***project proponent proposes to construct a commercial or industrial project*** or public agency proposes to undertake a public works project. Before authorizing the take of more than 20, but no more than 40, individual western Joshua trees for a public works project, the county or city shall obtain the department’s written concurrence that the project has avoided and minimized the take of western Joshua trees to the maximum extent practicable.

(d) Any person or public agency receiving a take authorization pursuant to this chapter for a project that meets the criteria set forth in paragraph (1) *of either subparagraph (A) or subparagraph (B) of paragraph (1)* may elect, in lieu of satisfying the mitigation obligation provided for in paragraph (3) of subdivision (a), to pay fees in the amounts provided in paragraph (2) for deposit into the fund.

(d) (1) (B) Any *single-family residence, multifamily residence, accessory structure, or public works* project receiving a permit issued by a county or city pursuant to an agreement with the department pursuant to subdivision (c), regardless of location.

Amendments to Section 2, regarding new permit authority:

1927.3.5. (a) Notwithstanding Section 1927.3 *and 1927.4*, the department may authorize by permit, without payment of fees or other mitigation, both of the following:

(1) The removal *of no more than 10 trees* or trimming *of western Joshua trees* by an owner of an existing single-family residence ~~of a~~ *if the* western Joshua tree ~~that~~ is either of the following:

(A) Within 30 feet of the *existing* single-family residence or within 15 feet of an existing accessory structure.

(B) Within the construction footprint, or within 15 feet of the construction footprint, of a new accessory structure that is proposed to be constructed for the *existing* single-family residence.

(2) The removal *of no more than 40 trees* or trimming *of western Joshua trees* by a ~~developer~~ *owner* of a public works project ~~of a~~ *if the* western Joshua tree ~~that~~ is within the construction footprint, or within 15 feet of the construction footprint, of ~~the~~ *a* public works project *to repair, rehabilitate, replace, or maintain an existing structure*.

(b) A property owner or ~~public works project developer~~ *owner of a public works project* seeking a permit shall submit a request to the department on a form to be provided by the department that requires the following information:

(1) The name, telephone number, mailing address, and email address of the property owner or ~~public works project developer~~ *owner of a public works project* seeking the permit.

(2) The street address of the single-family residence or public works project on which each western Joshua tree requested to be removed or trimmed is located. If a street address is not available, the property owner or *owner of a* public works project ~~developer~~ shall include the assessor's parcel number.

(3) A statement as to whether each western Joshua tree requested to be removed or trimmed meets the conditions described in subparagraph (A) or (B) of paragraph (1), or paragraph (2), of subdivision (a).

(4) The size class of each western Joshua tree requested to be removed or trimmed, in accordance with paragraph (1) of subdivision (a) of Section 1927.3.

(5) The distance of each western Joshua tree requested to be removed or trimmed from the single-family residence, existing accessory structure, or construction footprint of a new accessory structure that is proposed to be constructed or of the public works project.

(6) Photographs of each western Joshua tree requested to be removed or trimmed that depict its location relative to the single-family residence, existing accessory structure, or construction footprint of a new accessory structure that is proposed to be constructed or of the public works project.

(c) Within 60 days of receipt of a request for a permit pursuant to subdivision (b), the department shall do either of the following:

(1) Notify the property owner or **owner of** public works project ~~developer~~ that the department will issue a permit for the removal or trimming of the western Joshua tree.

(2) Deny the request if the request does not demonstrate a permit can be issued pursuant to this section. A denial shall include a brief description explaining why a permit cannot be issued.

(d) Division 13 (commencing with Section 21000) of the Public Resources Code shall not apply to the issuance of a permit pursuant to paragraph (1) of subdivision (a).

- 4) **Arguments in support.** Several entities write in support of this bill sharing the sentiment that this bill provides practical relief from WTCA for construction needs and for home-owners. They note that this bill will help keep essential projects on schedule, increase the predictability for project managers, and reduce fee burden for home-owners.
- 5) **Arguments in opposition.** Environmental groups write in with oppose and oppose unless amended positions. They believe that this bill will erode the safeguards of WJTCA. They also indicate that many of the provisions of this bill touch on ongoing efforts at CDFW to ease fees and regulatory burden on smaller projects, such as those that may occur near a single-family property. They worry that the weakening of mitigation requirements and fee reduction in this bill would “jeopardize the long-term effectiveness of [WJTCA], which may result in the need to finalize the listing of the western Joshua tree under the [CESA].”
- 6) **Double referral.** This bill is also referred to the Assembly Natural Resources Committee.
- 7) **Related legislation.** AB 1663 (Wallis) of the current legislative session exempts from the WJTCA any project or activity located within a parcel that contains, or will contain, a single-family residence that meets certain requirements. AB 1663 has been referred to this Committee.

SB 1061 (Ochoa Bogh) of the current legislative session would define “take” in the WJTCA to not include unintentionally or accidentally causing the death of a western Joshua tree. Further, would exempt from the WJTCA any western Joshua tree relocation within the same parcel or relocation to a contiguous parcel that is owned by the same person. SB 1061 is set for hearing in the Senate Natural Resources and Water Committee.

SB 1062 (Ochoa Bogh) of the current legislative session would grant CDFW authority to establish a project-specific conditions under the WJTCA for a project related to life-sustaining services, as defined, which may include project-wide standards for avoidance, minimization, or mitigation measures; a reduction or waiver of in-lieu mitigation fees, or other compliance flexibility that CDFW deems appropriate. SB 1062 is set for hearing in the Senate Natural Resources and Water Committee.

SB 1063 (Ochoa Bogh) of the current legislative session would grant CDFW authority to issue WJTCA permits, without payment of fees or other mitigation, for the take of western Joshua trees for the maintenance, operation, or construction of a life-sustaining service, as defined, connection to a single-family or multifamily residence, including distribution infrastructure, as defined. SB 1062 is set for hearing in the Senate Natural Resources and Water Committee.

AB 1089 (Carillo) of 2025 would have authorized 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. Would have included a mechanism to permit the removal or trimming of a western Joshua tree within 100 feet of an existing single-family home and associated structures. AB 1089 was vetoed by the Governor:

“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 Act. Furthermore, this bill would increase the complexity and time required to manage the permitting process as modified by this measure.

For these reasons, I cannot sign this bill.”

AB 2443 (Carillo) of 2024 was substantially similar to AB 1089, but was amended into a bill about transaction and use tax (Chapter 961, Statutes of 2024).

SB 122 (Committee on Budget and Fiscal Review), Chapter 51, Statutes of 2023 enacted the WJTCA.

AB 1008 (Bauer-Kahan) of 2023 was the policy bill that established the WJTCA and enabled negotiation. AB 1008 was amended to address an issue related to consumer privacy.

AB 1183 (Ramos), Chapter 380, Statutes of 2021, establishes the California Desert Conservation Program at the Wildlife Conservation Board to acquire, preserve, restore, and enhance desert habitat within the California deserts region.

SR 116 (Allen, Hertzberg, Hill, Leyva, and Stern) of 2018 declares the California Desert an ecological treasure, and proclaims that we should secure for the American people of this and future generations an enduring heritage of biodiversity, wilderness, national parks, and public land values in the California Desert.

REGISTERED SUPPORT / OPPOSITION:

Support

Associated General Contractors, California Chapters
California Association of Realtors
California Building Industry Association
Community Water Systems Alliance
Palmdale Water District

Opposition

Sierra Club

Oppose Unless Amended

California Native Plant Society
Center for Biological Diversity
Defenders of Wildlife
Native American Land Conservancy
The Mojave Desert Land Trust

Analysis Prepared by: Stephanie Mitchell / W., P., & W. / (916) 319-2096