

Date of Hearing: June 16, 2026

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

SB 1061 (Ochoa Bogh) – As Amended April 23, 2026

SENATE VOTE: 33-0

SUBJECT: Western Joshua Tree Conservation Act: relocation

SUMMARY: Allows the California Department of Fish and Wildlife (CDFW) to authorize, by permit, and without payment of fees or other mitigation, the relocation of up to ten individual western Joshua trees from a parcel within 2.5 kilometers of their original location under certain conditions. Specifically, **this bill:**

- 1) Authorizes CDFW to permit (through a relocation permit) the relocation of a western Joshua tree without payment of fees or other mitigation.
- 2) Requires all of the following conditions to be met for a relocation permit to be issued:
 - a) The western Joshua tree identified in an application for a relocation permit is located on either a parcel that contains a single-family residence that is the primary residence of the person who submitted the relocation permit application or a parcel that contains a multifamily residence that is the primary residence of at least one-half of the families.
 - b) A person who submits a relocation permit application is the property owner, or is authorized to submit a relocation permit application by the property owner, of the parcel on which the western Joshua trees identified in a relocation permit application is located.
 - c) A person who submits a relocation permit application is the property owner, or is authorized to relocate a western Joshua trees by the property owner, of the parcel where the western Joshua trees identified in the relocation permit application are being relocated to.
 - d) The western Joshua tree identified in a relocation permit application is being relocated within 2.5 kilometers of its original location.
 - e) The relocation would be consistent with the guidelines and relocation protocols adopted by CDFW, as specified.
- 3) Requires a person seeking a relocation permit to submit an application to CDFW. Authorizes CDFW to approve a completed application. Requires CDFW to notify an applicant in writing upon approval and issue a relocation permit.
- 4) Requires a permittee to comply with the terms and conditions of a relocation permit, as specified.
- 5) Limits relocation pursuant to a relocation permit to no more than ten individual western Joshua trees from any one parcel while the Western Joshua Tree Conservation Act (WJTCA) remains in effect.

- 6) Requires CDFW to maintain a list of relocation permits issued, and sufficient information regarding each relocation to be able to assess the success or failure of the relocation and the factors contributing to that success or failure, as provided.

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 a permit would not jeopardize the continued existence of the species (FGC § 2081 and § 2084).
- 5) Establishes 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 a permittee avoids, minimizes, and mitigates all impacts to, and taking of, a western Joshua tree. Specifies that minimization includes trimming, encroachment of root systems, relocation, and other actions that result in detrimental impacts to a tree;
 - d) Authorizes CDFW to enter into an agreement with any county or city to delegate to a 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 a city’s or county’s approval of a 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 to authorize the removal or trimming of a dead western Joshua tree or the trimming of a live western Joshua tree:
 - i) Has fallen over and are within 30 feet of a structure;
 - ii) Is leaning against an existing structure; or
 - iii) Creates 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 fees for inflation, and to review fees by December 31, 2026, and every three 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; 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.
- 6) Specifically, allows CDFW to issue a permit (see Existing Law #5c) that includes conditions that require a permittee to relocate one or more western Joshua trees. Further, requires that a permittee implement measures to assist in the survival of relocated trees and comply with any other reasonable measurement CDFW requires, including relocating a western Joshua tree to a location with property orientation, performing the relocation at a specific time, having a desert native plant specialist on site, and limiting the size class of western Joshua trees that may be relocated [FGC § 1927.3 (a)(4)(A)].
- 7) Specifically, determines that a permittee bears responsibility for implementing measures to assist the survival of a western Joshua tree relocated pursuant to #6. Further, clarifies that a landowner shall not be liable for the continued survival or management of a relocated western Joshua tree on their land, unless specified in a written agreement [FGC § 1927.3 (g)].

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** According to the author, “[This bill] gives community members a practical option to work around their existing Western Joshua trees, while also making reasonable use of their property. By allowing the relocation of up to [ten] western Joshua trees when certain criteria are met, this bill establishes a clear, commonsense permitting pathway for the very residents who have acted as good stewards of the desert for decades, rather than burdening them with expensive fees and complex mitigation requirements.”
- 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. The population of the western Joshua tree within California has 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 the population 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 a 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 have been issued. Between 2023–25, 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). Through fiscal years 2023–24 and 2024–25, 408 trees have been authorized for relocation. 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.

Western Joshua Tree relocation. In August 2025, CDFW released the western Joshua tree Relocation Guidelines and Protocols.¹ This document provides guidance on relocation procedures, timing, maintenance, and monitoring that may be required by CDFW as a minimization measure for a permit to take a tree (see Existing Law #6). These guidelines note that western Joshua tree relocation is highly dependent on the tree, location, and methodology of relocation, and highlight that little scientific research has been done to compare the success rates of different relocation techniques. The guidelines indicate that relocating a western Joshua tree to an onsite location is preferred—ideally within 16 kilometers of the tree’s original location—but note that there is insufficient research to indicate if relocating a tree more than 2.5 kilometers from its original location is suitable. Given that WJTCA was enacted in 2023 and only 408 trees have been authorized for relocation, it is still too early to have results on the success of relocation. The Relocation Guidelines estimate that 50–90% of relocations are successful—a wide range as noted above. Indeed, a news article² reports significant western Joshua tree mortality of tree planting (not relocation), including the 3,622 trees planted between 2021–2024 to replace those burned in the Dome fire (77% mortality) and the 193 young trees planted as mitigation for tree removal for power line protection (86% mortality).

- 3) **Proposed committee amendments.** As drafted, this bill may unintentionally necessitate two different individuals to submit the relocation permit. The committee may wish the author to accept this following technical amendment to § 1927.3 (h)(1) that clarifies who can submit a relocation permit:

(1) To be eligible to receive a permit pursuant to this subdivision, all of the following conditions shall be met:

(A) The western Joshua tree identified in an application for a relocation permit is located on either a parcel that contains a single-family residence that is the primary residence of

¹ Western Joshua Tree Relocation Guidelines and Protocols. August 2025.
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=224036&inline>

² California’s Joshua trees are disappearing. There’s hope these fungi can help them. *Los Angeles Times*. May 19, 2026.

the person who submitted the relocation permit application or a parcel that contains a multifamily residence that is the primary residence of at least one-half of the families.

~~(B) The person who submitted the relocation permit application is the property owner, or is authorized to submit a relocation permit application by the property owner, of the parcel on which the western Joshua tree identified in the relocation permit application for relocation is located.~~

~~(C) The person who submitted the relocation permit application is the property owner, or is authorized to relocate a western Joshua tree by the property owner, of the parcel where the western Joshua tree identified in the relocation permit application is being relocated to.~~

(B) The person who submits the relocation permit application is one of the following:

(i) The property owner, or is authorized by the property owner, of the parcel on which the western Joshua tree is located and will be relocated to.

(ii) The property owner, or is authorized by the property owner, of the parcel on which the western Joshua tree is located and has written permission from the property owner of the parcel where the western Joshua tree identified in the relocation permit application is being relocated to.

~~(D)-(C)~~ The western Joshua tree identified in the relocation permit application is being relocated within 2.5 kilometers of its original location.

~~(E)-(D)~~ The relocation would be consistent with the guidelines and relocation protocols adopted pursuant to subparagraph (C) of paragraph (4) of subdivision (a).

- 4) **Arguments in support.** Several entities write in support of this bill. The Greater High Desert Chamber of Commerce notes that the current permitting structure was not designed to accommodate situations when the goal is to preserve the tree, not remove it outright. Supporters laud the clear, practical permitting pathway established by this bill that would support homeowners who want to do the right thing by their trees without the burden of fees and complex mitigation requirements.
- 5) **Related legislation.** AB 1663 (Wallis) of the current legislative session exempts from 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 the Senate Natural Resources and Water Committee.

AB 1808 (Carrillo) of the current legislative session 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. Authorizes CDFW to permit, without payment of fees or other mitigation, the removal or trimming of a western Joshua tree by an owner of an existing single-family residence or by the developer of a public works project, under certain circumstances. Exempts from California Environmental Quality Act permits for single-family residents. AB 1808 has been referred to both the Senate Natural Resources and Water Committee and the Senate Environmental Quality Committee.

SB 1062 (Ochoa Bogh) of the current legislative session would grant CDFW authority to establish a project-specific conditions under 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 this Committee.

SB 1063 (Ochoa Bogh) of the current legislative session grants 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 1063 died 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 enacts the WJTCA.

AB 1008 (Bauer-Kahan) of 2023 was the policy bill that established 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

Greater High Desert Chamber of Commerce
Hi-desert Water District
Town of Apple Valley

Opposition

None on file

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