

Date of Hearing: June 16, 2026

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Diane Papan, Chair

SB 1062 (Ochoa Bogh) – As Amended April 23, 2026

SENATE VOTE: 33-0

SUBJECT: Western Joshua Tree Conservation Act: fees

SUMMARY: Clarifies that, when the California Department of Fish and Wildlife (CDFW) adjusts the fees under the Western Joshua Tree Conservation Act (WJTCA), CDFW shall consider making the fees proportionate to the impact of a project and consider the use of tiered fees by project type, size, or other criteria.

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 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.

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** According to the author, “[This bill] promotes a fairer and more practical fee structure under the WJTCA by directing CDFW to consider whether mitigation fees should be proportionate to a project’s actual impact and tiered by project size, type, or

other criteria. This approach helps ensure that smaller or lower-impact projects are not treated the same as larger projects with very different footprints, reducing the risk of disproportionate costs being passed on to local agencies, ratepayers, and rural communities.”

- 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 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 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.

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 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 has drafted an initial statement of reasons for the regulation change, which is expected to be released this summer and will be followed by a public comment period and public meeting in the summer. This bill would provide CDFW with clear statutory authority to develop a fee structure that is proportional to the impact of the project, further supporting CDFW’s work to reduce fee impacts on single family homeowners.

- 3) **Arguments in support.** Several localities and organizations write in support of this bill. The California Building Industry Association writes that “The WJTCA can result in excessive fees being imposed on property owners, small businesses, local governments, and public utilities.” The San Bernardino County Board of Supervisors concurs that the current mitigation framework has created challenges for public agencies delivering critical infrastructure. They write with a sentiment shared by all supporters: that this bill will provide a more balanced and proportional approach to reflect actual project impacts, which will help lower project costs and enable timely project delivery.

- 4) **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 the 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 1061 (Ochoa Bogh) of the current legislative session defines “take” in WJTCA to not include unintentionally or accidentally causing the death of a western Joshua tree. Further, would exempt from 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 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**

Antelope Valley Economic Development & Growth Enterprise
California Building Industry Association
California Groundwater Coalition
City of Lancaster
City of Victorville
Greater High Desert Chamber of Commerce
Hi-desert Water District
San Bernardino County
Town of Apple Valley

Opposition

None on file

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