

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1663 (Wallis) – As Amended April 27, 2026

Policy Committee: Water, Parks and Wildlife Vote: 12 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill authorizes the California Department of Fish and Wildlife (CDFW) to permit, without payment of fees or other mitigation, the removal or trimming of a Western Joshua Tree (WJT) by the owner of a single-family residence, provided the WJT meets certain conditions.

Specifically, this bill:

- 1) Authorizes CDFW to issue a permit pursuant to the process outlined in the Western Joshua Tree Conservation Act (WJTCA) to authorize either the removal or trimming of a WJT, without payment of fees or other mitigation, provided that the WJT meets the following criteria:
 - a) The WJT is located on a parcel that contains an existing single-family residence occupied by a person who maintains a homeowner's property tax exemption on the residence, as specified.
 - b) The removal or trimming of the WJT is necessary to maintain, repair, or replace existing infrastructure or utilities serving the residence or to comply with CDFW-approved fire, health, or safety requirements, including defensible space requirements.
 - c) No more than 10 individual WJTs or any limbs may be removed for each permit issued.
- 2) Requires an applicant for the permit described above to provide:
 - a) Proof of the maintenance of the property tax exemption required by item 1(a), above.
 - b) A description of how the removal of a tree is necessary pursuant to item 1(b), above.
 - c) Photographs of the WJTs that visually depict the WJTs to be removed or trimmed.

FISCAL EFFECT:

While CDFW did not have a fiscal estimate available at the time of the writing of this analysis, based on information provided by the department for a similar bill (see related legislation), the committee estimates ongoing annual General Fund costs to CDFW in the hundreds of thousands to low millions of dollars for new staff (in CDFW's headquarters as well as regions four, five, and six) to develop and implement the new permitting pathway; prepare new application materials, education and guidance documents, and permit templates; update its website and

tracking metrics; consult with applicants; review applications; conduct site visits and determine qualifications for projects; and issue permits.

By authorizing CDFW to allow for the removal of WJTs, without fees or mitigation, by a single-family residence owner, this bill results in annual and ongoing foregone in-lieu fee revenue of an unknown amount, potentially in the hundreds of thousands of dollars (Western Joshua Tree Conservation Fund (Fund)).

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 FY and ongoing.

COMMENTS:

1) **Purpose.** According to the author:

Residents who once took pride in the Joshua trees on their land are beginning to see them differently. Not as part of the beauty of the desert, but as a source of cost and uncertainty. A tree that was a point of pride now feels like a liability. That is not what [the WJTCA] was meant to do. [This bill]...is a targeted fix for people who made their investment in good faith, under a different set of rules.

2) **Background.** Enacted in 2023, the WJTCA prohibits the importation, export, take, possession, purchase, or sale of any WJT in California unless authorized by CDFW. The WJTCA authorizes CDFW to issue permits for the incidental take (a take that is incidental to otherwise lawful activities) of one or more WJTs if the permittee meets certain conditions. Permittees may pay specified fees in lieu of conducting mitigation activities. The WJTCA also authorizes CDFW to issue permits for the removal of dead WJTs and the trimming of live WJTs under certain circumstances.

Under the WJTCA, all in-lieu fees collected are deposited into the Fund for appropriation to CDFW solely for the purposes of acquiring, conserving, and managing WJT conservation lands and completing other activities to conserve the WJT. As of March 2026, CDFW had collected \$14.4 million in permit fees, with 283 acres being conserved and more acquisitions planned for this year. As of March 2026, CDFW had either expended or allocated \$2.7 million from the Fund and another \$3.2 million is earmarked for expenditure, including for land management and acquisition.

CDFW has implemented two permitting systems under the act, and as of March 2026, the department had issued 106 incidental take permits or ITPs (which require mitigation fees) and 742 hazardous management permits (which is a free permit). Between 2023 and 2025, almost 24,000 trees had been authorized for lethal removal.

CDFW is in the process of developing regulations specific to adjusting the mitigation fees to ensure they are adequate for the conservation of the WJT species. The department held a public meeting in January 2026 to receive initial feedback on its fees and expects to complete this process in late 2026. According to the San Bernardino Board of Supervisors, public agencies and residents have faced challenges navigating the act's mitigation and fee requirements. This bill allows CDFW to authorize the removal or trimming of WJTs for

single-family residences – subject to specified conditions – without requiring mitigation or fees.

- 3) **Related Legislation.** AB 1808 (Carrillo) of the current legislative session, among other things, authorizes CDFW to permit, without payment of fees or other mitigation, the removal or trimming of a WJT by the owner of an existing single-family residence or by the proponent of a public works project, as specified. AB 1808 is pending in this committee.

For a more comprehensive summary of current and prior legislation related to the WJTCA, please see the Assembly Water, Parks, and Wildlife Committee's analysis of this bill.

Analysis Prepared by: Nikita Koraddi / APPR. / (916) 319-2081