

ASSEMBLY THIRD READING
AB 1663 (Wallis)
As Amended April 27, 2026
Majority vote

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 by the owner of a single-family residence, provided the western Joshua tree meets certain conditions.

Major Provisions

- 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 tree, without payment of fees or other mitigation, provided that the tree meets the following criteria:
 - a) The tree 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 tree 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; and
 - c) No more than ten individual trees 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;
 - b) A description of how the removal of a tree is necessary; and
 - c) Photographs of the trees to be removed or trimmed.

COMMENTS

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. 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.

To provide protections to western Joshua trees and hopefully prevent an official listing as a threatened or endangered species, while enabling development, the WJTCA was enacted in 2023. 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.

Under WJTCA, all in-lieu fees collected will be deposited into the Western Joshua Tree Conservation Fund (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.

CDFW also implemented two permitting systems: as of March 2026, 106 WJTCA incidental take permits 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.

The WJTCA included various triggers to evaluate the effectiveness of the act. 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.

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. These residents have always been the stewards of this landscape. This bill treats them that way."

Arguments in Support

Supporters write that homeowners and property owners are struggling under WJTCA and that the permits are unaffordable. They write that "[This bill] is the first step in addressing an urgent emergency in high desert communities where homeowners and property owners are facing unexpectedly high CDFW permitting fees and are unable to use or maintain their home or property due to draconian CDFW permitting requirements."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill has the following fiscal impact:

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 western Joshua trees, 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 (Conservation 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.

VOTES**ASM WATER, PARKS, AND WILDLIFE: 12-0-1**

YES: Papan, Jeff Gonzalez, Alanis, Alvarez, Ávila Farías, Bains, Bennett, Boerner, Caloza, Gallagher, Hart, Rogers

ABS, ABST OR NV: Celeste Rodriguez

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

VERSION: April 27, 2026

CONSULTANT: Stephanie Mitchell / W., P., & W. / (916) 319-2096

FN: 0002704