
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1663 (Wallis) - Western Joshua Tree Conservation Act: removal: trimming

Version: June 25, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: N.R. & W. 7 - 0

Mandate: No

Consultant: Ashley Ames

Bill Summary: This bill would add a new no fee permit under the Western Joshua Tree Conservation Act (WJTCA) for an existing single-family residence where the removal or trimming of up to 10 western Joshua trees is necessary to maintain, repair, or replace existing infrastructure or utilities serving the residence or to comply with certain fire, health, or safety requirements, as provided.

Fiscal Impact:

- The California Department of Fish and Wildlife (CDFW) estimates ongoing costs of \$1.6 million in fiscal year 2027-28 and \$1.5 million annually thereafter (General Fund) to create, administer, and enforce a new permit.
- By authorizing CDFW to allow for the removal of WJTs, without fees or mitigation by a single-family residence owner, this bill would result 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).

Background: The western Joshua tree (*Yucca brevifolia*) is a slow-growing member of the agave family native to California's Mojave Desert region, culturally and ecologically significant and relied on for food and shelter by many birds, mammals, reptiles, and insects. Seeds rarely germinate, growth slows sharply after the first five years to roughly 0.5 to 3 inches annually, the tallest specimens exceed forty feet, and average lifespan is estimated at about 150 years, with the largest trees possibly older. CDFW's status review indicates current abundance is relatively high, though population estimates carry considerable uncertainty.

Populations declined after European settlement of the Mojave, chiefly through habitat loss and degradation from agricultural conversion and development; CDFW estimates roughly 30% of occupied habitat may have been modified since then, and over 7% of the range has been developed. Habitat loss, wildfire, aridification, and other climate effects are the major threats — the 2020 Dome Fire alone destroyed 1.3 million trees on the Cima Dome in the Mojave National Preserve — and CDFW anticipates that rising temperatures and declining local water availability could render much of the species' existing range unviable by 2100, making climate change a potentially existential, if less immediate, threat.

The species was proposed for threatened listing under the California Endangered Species Act in late 2019, accepted as a candidate by the Fish and Game Commission in 2020, and remains a candidate today, which affords it protections similar to a listed species, including take prohibitions and permit-based take authorization. Take permits have been issued under Fish and Game Code §2081 and §2084 and, where applicable,

under the Western Joshua Tree Conservation Act. The commission is expected to defer final action on the listing petition until CDFW submits an updated status review, due no later than January 1, 2033.

The WJTCA was enacted to conserve the tree and its habitat while creating permitting pathways for development, including in-lieu mitigation fees. It bars import, export, take, possession, purchase, or sale of any western Joshua tree without CDFW authorization, and allows CDFW to issue incidental take permits where the applicant mitigates all impacts and avoids and minimizes take to the maximum extent practicable, with fees payable in lieu of conducting mitigation. A separate Hazard Management Permit covers removal of dead trees and trimming of live ones. CDFW may delegate limited permitting authority to cities and counties for residential, accessory, and public works projects and for dead-tree removal and trimming, with take caps by project type, though no delegation agreements have been executed to committee staff's knowledge. In-lieu fees go to the WJT Conservation Fund, appropriated to CDFW solely for acquiring, conserving, and managing conservation lands and other conservation activities; CDFW must implement a conservation plan, which the commission approved in June 2025, and report annually to the commission and Legislature.

Through the end of FY 2023-24, CDFW had issued 9 incidental take permits and 249 Hazard Management permits authorizing take of 3,175 trees, most of it under the ITPs, which allowed development of 2,888 acres of habitat. In-lieu fees of \$3.1 million funded acquisition of 283 acres of "ecologically core" land across three parcels, and only 5 trees were relocated that year because relocation guidelines had not yet been issued. Two required processes are underway: the commission must review the species' status and the conservation plan's effectiveness by August 31, 2026 and biennially thereafter, and CDFW — following a January 2026 public meeting — announced at the recent quarterly meeting that it will recommend no changes; and CDFW, newly authorized this year to adjust in-lieu fees by regulation beyond existing indexing, is drafting an Initial Statement of Reasons expected later this year, with adjustments accounting for restoration, monitoring, land acquisition, conservation easements, and stewardship endowments but not staffing costs, and with CDFW noting it seeks fees more proportionate to impacts and expecting revenues will likely need to rise.

Separately, and not required by the WJTCA, CDFW is preparing a programmatic environmental impact report for WJTCA permitting. Because permitting triggers CEQA compliance that applicants normally fund themselves — a disproportionate burden on homeowners and small projects — the PEIR is intended to cut compliance time and cost for qualifying projects, including residences and accessory structures; commercial, industrial, institutional, and religious buildings; utilities, infrastructure, and facilities; and defensible space and on-site safety work, potentially subject to limits on habitat acreage and tree removal. Land development such as subdivisions, utility-scale energy generation, transmission, or storage, and mining operations would not qualify. Certification is anticipated in mid-2027. State-mandated conservation and permitting for the species, whether under CESA candidacy or the WJTCA, has been controversial.

Proposed Law: The WJTCA 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 specified. The act authorizes CDFW to permit the taking of a western Joshua tree if certain

conditions are met, including, but not limited to, that the permittee mitigates all impacts to, and taking of, the western Joshua tree through measures that are roughly proportional in extent to the authorized taking. It also authorizes, in lieu of completing the mitigation measures, a permittee to elect to satisfy this obligation by paying fees. Existing law allows for CDFW to permit the removal or trimming of trees without payment of fees or other mitigation provided that certain conditions are met.

This bill would:

1. Additionally authorize CDFW to issue a permit, without payment of fees or other mitigation, for the removal or trimming of any western Joshua tree that meets certain criteria, including that the western Joshua tree is located on a parcel that contains an existing single-family residence that is occupied by a person who maintains a specified homeowner's property tax exemption and that the removal or trimming of the western Joshua tree is necessary to maintain, repair, or replace existing infrastructure or utilities, as specified.
 - a. Require an applicant for a permit to demonstrate to the department that the western Joshua tree meets the criteria required for the permit, as specified.
2. Authorize CDFW to enter into memoranda of understanding with California Native American tribes as specified, including for the taking, possession, purchase, or sale of western Joshua trees for tribal cultural purposes.

Related Legislation:

SB 1061 (Ochoa Bogh, 2026) would exempt from WJTCA the relocation of up to 10 WJT from one parcel to another, as provided. (This bill is pending before the Assembly, Water, Parks, and Wildlife Committee.)

SB 1062 (Ochoa Bogh, 2026) would authorize CDFW to develop a tiered fee structure for the WJTCA, as provided.

SB 1063 (Ochoa Bogh, 2026) would authorize CDFW to permit the taking of a WJT without payment of fees or other mitigation upon demonstration to CDFW that the taking of a WJT is related to the maintenance, operation, or construction of a life-sustaining service, as defined, including through a service connection to a single-family residence or multifamily residence, including distribution infrastructure, as specified. The bill would also require CDFW to grant or deny that permit within 30 days of a request, or within 10 days of a request to address a threat to health or safety, among other provisions. (This bill failed passage in policy committee.)

AB 1808 (Carrillo, 2026) would authorize CDFW to enter into an agreement with any city to delegate to the city the taking of a WJT associated with commercial and industrial projects, and would authorize 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 developer of a public works project, under certain circumstances, as provided.

AB 1089 (Carillo, 2025) would have authorized CDFW to enter into an agreement with any city to delegate to the city the taking of a WJT associated with commercial and industrial projects in certain conditions, and would have revised CDFW's authority to issue a permit for the removal of WJT, including to meet defensible space requirements, among other provisions, as specified. (This bill was vetoed by Governor Newsom.)

AB 2443 (Carillo, 2024) would have addressed commercial and industrial projects under the WJTCA in a similar fashion to this bill. (This bill was subsequently amended into a bill about transaction and use tax.)

SB 122 (Committee on Budget and Fiscal Review, Chapter 51, Statutes of 2023), a public resources budget trailer bill, establishes the WJTCA.

Staff Comments:

CDFW workload. According to CDFW, the creation of a new permit would require development and maintenance of application materials including paper and online forms, instructions and guidance materials, website updates, permit templates, education and outreach materials, and updated tracking metrics. Compliance with this bill would also require CDFW to track and interpret state and local laws, ordinances, and regulations governing fire, health, and safety in all jurisdictions where western Joshua trees may be found and update public guidance in response to any changes. CDFW would need staff to (1) consult with applicants, review applications, evaluate properties in cooperation with other agencies and departments that are authorities on fire, health, and safety requirements, track changes in relevant fire, health, and safety statutes, update public guidance, and issue permits; (2) provide statewide coordination, develop and maintain permit templates and guidance material, and track permitting metrics for annual legislative reporting; and (3) provide legal guidance and review of issued permits, permit templates, guidance material, education and outreach materials, and additional support in order to promote consistent application of the new statute across regions

The AB 1089 veto message. Opponents make a fair point that the WJTCA represented a heavily negotiated balance between competing interests, and changes to the WJTCA have the potential to either delay further implementation or upset the perceived balance between interests.

Last year, Governor Newsom in his veto message for AB 1089 (Carillo, 2025) which would have added no fee WJT take for defensible space to the WJTCA, among other provisions, stated:

I am returning Assembly Bill 1089 without my signature.

This bill 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. In addition, this bill revises CDFW's authority to issue a permit for the removal of a Western Joshua Tree around single-family homes.

The Western Joshua Tree Conservation Act (Act) of 2023 was carefully crafted to balance the need to develop housing and clean energy projects in the Mojave Desert region, while creating a robust but practical permitting process aimed at protecting one of California's most iconic species. The Act currently authorizes CDFW to enter into an agreement with any county or city and delegate limited authority to permit the taking of a Western Joshua Tree associated with developing single-family residences, multifamily residences, accessory structures, and public works projects.

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.

While AB 1089 (Carillo, 2025) is a different WJTCA bill than this one, the veto message highlights the reticence of the Newsom Administration to make substantive changes to the WJTCA when it is still in the beginning phases of implementation.

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