
THIRD READING

Bill No: AB 1663
Author: Wallis (R)
Amended: 8/13/26 in Senate
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 7-0, 6/23/26

AYES: Becker, Seyarto, Allen, Cabaldon, Grove, Laird, Stern

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26

AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 72-0, 5/21/26 - See last page for vote

SUBJECT: Western Joshua Tree Conservation Act: removal: trimming

SOURCE: Author

DIGEST: This bill authorizes the agent of a property owner to seek a permit under the Western Joshua Tree Conservation Act (WJTCA), and removes the permit application requirement that a signed attestation or certification of dead western Joshua trees be submitted, among other provisions, as provided.

ANALYSIS:

Existing law:

- 1) Establishes the California Department of Fish and Wildlife (CDFW) and the California Fish and Game Commission (commission) in the California Natural Resources Agency. In general, CDFW implements and enforces the regulations set by the commission and provides data and expertise to inform the commission's decision making.
- 2) 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).

- 3) Defines “take” as hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill. (FGC §86).
- 4) Prohibits the taking of an endangered or threatened species, except in certain situations. Provides that a candidate species receives California Endangered Species Act (CESA) protections while its status is pending. (FGC §§2070 *et seq.*).
- 5) 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; 2084).
- 6) Establishes the 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 WJT or any part or product of the WJT, except pursuant to the WJTCA, CESA, or the Natural Community Conservation Planning Act (NCCP Act).
 - b) Authorizes WJT take under CESA or by paying certain in-lieu fees specified by the WJTCA when the WJT is a candidate species under CESA.
 - c) Requires the WJTCA to remain operative if the commission determines that listing the WJT under CESA is not warranted. Requires WJT take permitting under CESA or pursuant to the NCCP Act if the commission determines that listing the WJT under CESA is warranted, which would render the WJTCA inoperative.
 - d) Authorizes CDFW to issue a permit for the taking of a WJT if specified conditions are met, including, that the permittee mitigates all impacts to, and taking of, the WJT. Authorizes CDFW to include in its permit conditions the requirement that the permittee relocate one or more WJTs. Requires permittees to bear responsibility for implementing measures to assist the survival of relocated WJTs.
 - e) 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.

- f) Requires CDFW to annually adjust the fees for inflation, and to review the fees by December 31, 2026, and every three years thereafter, to ensure the conservation of WJT.
- g) Requires all fees remitted to CDFW to be deposited into the 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 WJT conservation lands and completing other activities to conserve the WJT.
- h) Authorizes CDFW to enter into an agreement with any county or city to delegate to the county or city the ability to authorize the taking of a WJT associated with developing single-family residences, accessory structures, and public works projects, as defined, concurrent with the city's or county's approval of the project. Limits the number of WJTs taken associated with single-family residences, multifamily residences, or accessory structures projects to 10 under this delegation.
- i) Authorizes CDFW or its designee to issue a permit to authorize the removal or trimming of a dead WJT or the trimming of a live WJT, as provided.
- j) Requires CDFW to develop and implement a WJT conservation plan, as provided. 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 WJT, as provided.
- l) Requires the commission, beginning in 2026, and at least every two years thereafter, to, at a public meeting, review the status of the WJT and the effectiveness of the conservation plan, as specified.
- m) Requires CDFW to submit to the commission an update of the status review required under CESA that incorporates any new scientific information and includes an evaluation of conservation efforts under the WJTCA by January 1, 2033.

This bill:

- 1) Authorizes the agent of a property owners to seek and receive a permit under the WJTCA, as provided.
- 2) Makes additional minor and technical changes, including recasting CDFW's authority to authorize the taking, possession, purchase, or sale within the state of WJT to aid the conservation and recovery of the WJT, among others, as provided.

Background

The WJT is currently a candidate species under CESA.

[NOTE: For additional information regarding this bill, see the Senate Natural Resources and Water Committee's analysis.]

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- Unknown ongoing costs, likely less than a few hundred thousand dollars annually (General Fund), for the California Department of Fish and Wildlife (CDFW) to review and respond to permit requests within specified timeframes.

SUPPORT: (Verified 8/13/26)

13-37 Design

Blu Haus

California Association of Realtors

Clint Edwards Counseling

Compass Consulting Enterprises, Inc.

Community Water Systems Alliance

Hi-Desert Water District

Inland Action

Inspire Real Estate

Joshua Tree Gateway Association of Realtors

Mission Springs Water District

Morongo Basin Residents for Reasonable Joshua Tree Regulations

San Gorgonio Pass Water Agency

The Honorable Dawn Rowe, Supervisor – 3rd District, San Bernardino County

The Lux Properties

OPPOSITION: (Verified 8/13/26)

California Department of Finance

ARGUMENTS IN SUPPORT: According to the author, “The Western Joshua Tree Conservation Act treats a commercial developer clearing acreage and a homeowner managing their own property, the same. A homeowner who needs to trim a Joshua tree to maintain a water line, or remove one to meet defensible space requirements, faces the same permit process and the same fees as a large-scale project. The California Department of Fish and Wildlife has acknowledged in its

own conservation plan that those fees fall disproportionately on low-income residents and single-family homeowners.”

“AB 1663 creates a fee-free permit pathway for owner-occupied single-family residences. A qualifying homeowner may apply to remove or trim up to 10 western Joshua trees to maintain, repair, or replace existing infrastructure or utilities, or to comply with fire, health, or safety requirements including defensible space.”

“People who live among western Joshua trees have a long-term stake in the health of that landscape. The routine maintenance activities this bill covers, trimming a tree to reach a water line or clearing one for defensible space, do not threaten the survival of the species. Applying the full weight of the Act to those activities was not the point of the law. AB 1663 addresses that overburden narrowly, without disturbing the Act’s conservation framework.”

ARGUMENTS IN OPPOSITION: The California Department of Finance (DoF) wrote in opposition to a previous version of this bill which included a new permitting system that was subsequently removed from the bill.

The DoF expressed repeated concern about the costs of the proposed permit, including that broadening permitting into non-hazard purposes requires CDFW to “act outside of its authority and expertise” and “puts an inadequate timeline on processing complex permits, and increases CDFW’s workload.” The DoF further noted that an “increasing number of permit applications will exceed CDFW’s existing staff capacity.”

ASSEMBLY FLOOR: 72-0, 5/21/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Johnson, Kalra, Krell, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas
NO VOTE RECORDED: Arambula, Chen, Garcia, Jackson, Lackey, Lee, Ramos, Celeste Rodriguez

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8/17/26 10:38:07

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