

Date of Hearing: April 20, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

AB 1808 (Carrillo) – As Amended April 16, 2026

SUBJECT: Western Joshua Tree Conservation Act: industrial projects and commercial projects: single-family residences: public works projects

SUMMARY: 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 (WJT) associated with commercial and industrial projects and 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, under certain circumstances.

EXISTING LAW:

- 1) Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code 21000 *et seq.*):
 - a) Requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect.
 - b) Requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.
 - c) Defines “project” as an activity that may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.
- 2) Pursuant to the Western Joshua Tree Conservation Act (Act) (Fish and Game Code 1927.3):
 - a) Authorizes CDFW to authorize, by permit, the taking of a WJT if all of the specified conditions are met.
 - b) Requires, by July 1, 2024, CDFW to adopt guidelines and relocation protocols, based on the best available science, to relocate WJTs successfully.
 - c) Provides that each WJT stem or trunk arising from the ground is considered an individual tree requiring mitigation, regardless of its proximity to any other WJT stem or trunk.
 - d) Provides that CEQA does not apply to CDFW’s use of fees deposited into the Western Joshua Tree Conservation Fund (Fund) for the purpose of addressing threats to the western Joshua tree, including, but not limited to, acquiring, conserving, and managing WJT conservation lands.

THIS BILL:

- 1) Authorizes, if all of the conditions of the Act are met, CDFW to enter into an agreement with any county to delegate to the county the ability to authorize the taking of a WJT associated with developing any one or more of the following projects concurrent with the county's approval of the project:
 - a) Single-family residences;
 - b) Multifamily residences;
 - c) Accessory structures; and,
 - d) Public works projects.
- 2) Authorizes CDFW to enter into an agreement with any city to delegate to the city the ability to authorize the taking of a WJT associated with developing any one or more of the projects listed in (a)-(d) above, plus commercial projects and industrial projects, concurrent with the city's approval of the project.
- 3) Provides that the delegation of authority to counties and cities is subject to all of the specified conditions under current law.
- 4) Authorizes CDFW to authorize, by permit, without payment of fees or other mitigation, both of the following:
 - a) The removal of no more than 10 WJTs or trimming by an owner of an existing single-family residence of a WJT that is either of the following:
 - i) Within 30 feet of the existing single-family residence or within 15 feet of an existing accessory structure; or,
 - ii) Within the construction footprint, or within 15 feet of the construction footprint, of a new accessory structure that is proposed to be constructed for the single-family residence.
 - b) The removal of up to 40 WJTs or trimming by a proponent of a public works project of a WJT that is within the construction footprint, or within 15 feet of the construction footprint, of the public works project to repair, rehabilitate, replace, or maintain an existing structure.
- 5) Requires a property owner or public works project proponent seeking a permit to submit a request to CDFW on a form to be provided by CDFW that requires the following information:
 - a) The name, telephone number, mailing address, and email address of the property owner or public works project proponent seeking the permit;
 - b) The street address of the single-family residence or public works project on which each WJT requested to be removed or trimmed is located. If a street address is not available,

- the property owner or public works project proponent shall include the assessor's parcel number;
- c) A statement as to whether each WJT requested to be removed or trimmed meets the described conditions;
 - d) The size class of each WJT requested to be removed or trimmed;
 - e) The distance of each WJT requested to be removed or trimmed from the single-family residence, existing accessory structure, or construction footprint of a new accessory structure that is proposed to be constructed or of the public works project; and,
 - f) Photographs of each WJT requested to be removed or trimmed that depict its location relative to the single-family residence, existing accessory structure, or construction footprint of a new accessory structure that is proposed to be constructed or of the public works project.
- 6) Requires, within 60 days of receipt of a request for a permit, CDFW to do either of the following:
- a) Notify the property owner or public works project proponent that the department will issue a permit for the removal or trimming of the WJT; or,
 - b) Deny the request if it does not demonstrate a permit can be issued pursuant to this section.
- 7) Exempts from CEQA a permit for the removal or trimming of a WJT by an owner of an existing single-family residence.

FISCAL EFFECT: Unknown

COMMENTS:

- 1) **Western Joshua Tree.** The WJT (*Yucca brevifolia*) is an iconic species that live across a large portion of California's desert region. Once classified as a giant lily, modern DNA research has placed it in the Agave family and is in the same botanical group that includes grasses and orchids. Growth is slow—they grow about ½ inch to 3 inches per year. The tallest WJTs stretch taller than 40 feet, and while the average lifespan is thought to be around 150 years, some may be far older.

WJT populations within the state 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 WJT in California may have been modified between European settlement and the present. Species distribution models suggest that by the end of the 21st century, much of the species' range may no longer be viable habitat.

The WJT is currently a candidate for listing as threatened or endangered under the California Endangered Species Act (CESA). As a candidate, it is afforded all the protections of a listed species under CESA while awaiting a final listing decision by the California Fish and Game Commission.

- 2) **WJTs Conservation Act.** The Act, adopted pursuant to SB 122 (Committee on Budget) Chapter 51, Statutes of 2023, conserves WJTs and its habitat while providing pathways for development with appropriate permitting and mitigation, including payment of fees for take of WJTs. The Act prohibits the importation, export, take, possession, purchase, or sale of any WJT in California unless authorized by CDFW.

The Act authorizes CDFW to issue permits for the incidental take of one or more WJTs if the permittee meets certain conditions. Permittees may pay specified fees in lieu of conducting mitigation activities. The Act also authorizes CDFW to issue permits for the removal of dead WJTs and the trimming of live WJTs under certain circumstances. Further, CDFW may enter into an agreement with any county or city to delegate limited authority to permit the taking of WJT associated with developing single-family residences, multifamily residences, accessory structures and public works projects.

Over fiscal year 2023-24, CDFW developed two permitting programs and issued 258 permits pursuant to the Act¹. CDFW authorized the lethal removal of 2,188 living WJT during that same time period. This number does not include dead removed WJT, relocated WJT, or encroached upon WJT that are not removed, which are considered toward total ‘take’ projects authorized under these permits and resulted in the development of 2,888.3 acres of WJT woodland.

- 3) **Issue.** The author states that commercial and industrial projects are unable to move forward because of years long wait times to get approval from CDFW. This halts expansion in the high desert and other regions with WJTs.

Last year, AB 1089 (Carillo) proposed authorizing CDFW under the Act to enter into an agreement with any city to delegate to the city the ability to authorize the taking of WJTs associated with developing commercial and industrial projects. The governor vetoed it, stating, “[the 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 WJT associated with developing single-family residences, multifamily residences, accessory structures, and public works projects.” The governor acknowledged the desire to expand delegated authority to include the taking of these trees where commercial and industrial projects are sited, but disagreed with the approach in the bill.

As a follow up, this bill provides that, if specified conditions are met, CDFW can enter into an agreement with any county to delegate the ability to authorize the taking of a WJT associated with developing single-family, multifamily, accessory project, or public works projects, and delegate to cities through an agreement for those same projects plus commercial and industrial projects. The conditions include a limit of taking 10 individual trees on a project site for a single-family residence, multifamily residence, or accessory structure, and a limit of 40 individual trees on the project site for a commercial or industrial project or public agency proposes to undertake a public works project.

- 4) **CEQA.** This bill exempts any CDFW permit for the removal or trimming of a WJT by an owner of an existing single-family residence from CEQA.

Removal of a WJT requires an incidental take permit because it is a CESA-listed species. CDFW's issuance of an incidental take permit is considered a discretionary action as defined in California Code of Regulations 15357; therefore, before CDFW can issue the permit, the applicant must have completed the necessary steps under CEQA.



According to the Assembly Water, Parks and Wildlife Committee analysis, CDFW acknowledges that new regulatory requirements and associated costs can be particularly burdensome on project proponents and property owners seeking individual incidental take permits for small-scale projects with limited impacts to WJTs. CDFW is currently drafting a Programmatic Environmental Impact Report (PEIR) that is intended to provide a streamlined mechanism of CEQA compliance for property owners or land managers engaging in actions that have potential to result in limited take of WJTⁱⁱ, as authorized under the Act. The PEIR also includes coverage of actions by CDFW on its own properties. On November 18, 2025, CDFW noticed its preparation of the PEIR and expects to release the document by fall with certification by early 2027.

Dr. Suess's the Lorax said, "I am the Lorax who speaks for the trees, which you seem to be chopping as fast as you please!" The intent of the Act is to prove the Lorax wrong as it relates to the WJT, and the intent of this bill is to thread the needle between appropriately enabling development while protecting the survival of this special species.

5) **Author's statement:**

The WJT is an iconic symbol of the High Desert region, and I support the preservation of this species. Although the state has been moving in the right direction to protect this iconic species while meeting our state's goals, we need to address the burden on single family homeowners and public works, as well as the need to streamline permitting for projects vital to economic development. Single family homeowners who love the WJT struggle as they are expected to spend tens of thousands of dollars on fees to upgrade from a septic tank or build a shed. Local governments that represent historically disenfranchised areas are expected to spend millions of additional dollars on upgrading infrastructure, some of which haven't been upgraded since the 19th century. All the while these same governments are unable to permit vital economic development projects, as their constituency grows rapidly due to lack of space and affordability in the LA Metropolitan area. We must strike a balance between conservation and the needs of an increase in population.

- 6) **Double referral.** This bill was heard in the Assembly Water Parks and Wildlife Committee on April 14 and approved 12-0.

- 7) **Committee amendments.** The *Committee may wish to consider* amending the bill to provide that the CEQA exemption pursuant to this bill shall only remain in effect until CDFW has approved a PEIR that covers permits for existing single-family residences.
- 8) **Related legislation.** AB 1089 (Carillo, 2025) amends the Act to authorize CDFW to enter into an agreement with any city to delegate to the city the ability to authorize the taking of WJTs associated with developing commercial and industrial projects. This bill was vetoed.

REGISTERED SUPPORT / OPPOSITION:

Support

Associated General Contractors, California Chapters
California Association of Realtors
California Building Industry Association
Community Water Systems Alliance
Palmdale Water District
San Bernardino County

Opposition

California Desert Land Conservancy DbA Mojave Desert Land Trust
California Native Plant Society
Center for Biological Diversity
Defenders of Wildlife
Native American Land Conservancy
Sierra Club

Analysis Prepared by: Paige Brokaw / NAT. RES. /

ⁱ <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=230989&inline>

ⁱ Photo of WJT adjacent to existing single-family residence: provided by Tamara Sheridan

ⁱⁱ [CEQA Notices | Western Joshua Tree Conservation Act \(WJTCA\) Permitting Program](#)