

Date of Hearing: May 6, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 1808 (Carrillo) – As Amended April 22, 2026

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

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

SUMMARY:

This bill authorizes the California 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; 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; and exempts the removal or trimming of WJTs by an owner of an existing single-family residence from the California Environmental Quality Act (CEQA), as specified.

Specifically, this bill, among other things:

- 1) Authorizes 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 prohibits the taking of more than 40 individual WJTs for commercial or industrial projects permitted through the delegated authority to cities, as specified.
- 2) Allows CDFW to authorize, by permit, without payment of fees or other mitigation, both of the following if various specified conditions are met: (a) the removal of no more than 10 WJTs or trimming of WJTs by an owner of an existing single-family residence and (b) the removal of up to 40 WJTs or trimming of WJTs by the proponent of a public works project.
- 3) 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 the department that requires specified information.
- 4) Requires CDFW, within 60 days of receipt of a request for a permit, to (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 may be issued pursuant to the requirements of this bill and provide an explanation about why a permit cannot be issued.
- 5) Exempts from CEQA a permit for the removal or trimming of a WJT by an owner of an existing single-family residence until CDFW certifies a programmatic environmental impact report (PEIR) that addresses actions with the potential to result in limited take of WJTs from single-family residences and accessory structures and there is a final, unappealable judgment in litigation, if any, challenging the PEIR.

FISCAL EFFECT:

- 1) For section one of the bill (related to delegated agreements), CDFW anticipates minor and absorbable costs. This bill could reduce CDFW's workload by an indeterminate amount by delegating the permitting of some commercial and industrial projects to cities. A person or public agency receiving a take authorization for a commercial or industrial project would pay the required in-lieu fees regardless of whether the project proponent received the take authorization from CDFW or from a city (Western Joshua Tree Conservation Fund (Fund)).
- 2) For section two of the bill (related to permitting without fees or mitigation), CDFW estimates costs of approximately \$2.4 million in fiscal year (FY) 2027-28 and \$2.1 million in FY 2028-29 and ongoing (General Fund) for nine positions (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; notify applicants within 60 days if CDFW will be able to issue a permit or provide an explanation for denial; and issue permits.

By allowing CDFW to allow for the removal of WJTs, without fees or mitigation, by a single-family residence owner or public works project proponent (subject to the conditions enumerated in the bill), this bill results in annual and ongoing foregone in-lieu fee revenue of an unknown amount, potentially in the hundreds of thousands to low millions of dollars, from these project categories (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:

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.

- 2) **Background.** Enacted in 2023, the Western Joshua Tree Conservation 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 (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 act also authorizes CDFW to issue permits for the removal of dead WJTs and the trimming of live WJTs under certain circumstances.

Under the act, 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.

Pursuant to the act, CDFW may enter into an agreement with any county or city to delegate limited authority to permit the taking of a WJT associated with developing single-family residences, multifamily residences, accessory structures, and public works projects. CDFW may similarly enter into an agreement with any county or city to delegate limited authority to permit the removal of dead WJTs and the trimming of live WJTs. Delegation agreements became available in February 2024, but to date, no delegation agreements have been approved by DFW.

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. For public works projects in particular, the board of supervisors writes, these requirements have led to increased costs and project delays. This bill allows CDFW to authorize the removal or trimming of specified numbers of trees for single-family residences and for public works improvement projects without requiring mitigation or fees.

CDFW must comply with CEQA to issue a take authorization under the act. According to the Assembly Water, Parks, and Wildlife Committee, CDFW acknowledges these regulatory requirements and associated costs can be particularly burdensome on project proponents and property owners seeking individual ITPs for small-scale projects with limited impacts to WJTs. CDFW is currently drafting a PEIR to provide a streamlined mechanism of CEQA compliance for property owners or land managers engaging in actions with the potential to result in limited take of WJTs (such as modification of single-family residences and accessory structures). The PEIR also includes coverage of actions by CDFW on its own properties. CDFW expects to adopt the PEIR by the end of the year. This bill exempts from

CEQA a permit for the removal or trimming of a WJT by an owner of an existing single-family residence until CDFW certifies its PEIR.

- 3) **Related Legislation.** AB 1089 (Carrillo) of the current legislative session authorizes 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 revises CDFW's authority to issue a permit for the removal of WJT around single-family homes. AB 1089 was vetoed with the following message from the Governor:

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...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.

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