
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Blakespear, Chair

2025 - 2026 Regular

Bill No: AB 1808

Author: Carrillo

Version: 4/22/2026

Hearing Date: 7/1/2026

Urgency: No

Fiscal: Yes

Consultant: Brynn Cook

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

DIGEST: This bill would authorize the California Department of Fish and Wildlife (CDFW) to delegate to a city permitting authority under the Western Joshua Tree Conservation Act (WJTCA) for commercial and industrial projects to take up to 40 western Joshua trees; further authorize the CDFW to authorize, without fees or other mitigation the removal or trimming of up to 10 western Joshua trees by the owner of a single family residence or up to 40 western Joshua trees for a public works project where certain criteria are met; and waive the California Environmental Quality Act (CEQA) for these single-family home projects until CDFW finishes a programmatic environmental impact report; among other provisions.

ANALYSIS:

Existing law:

- 1) Requires under CEQA that a lead agency determines whether a project is exempt from CEQA, or if it must do an initial study to determine if a project will have significant effects on the environment. If a project has no effect on the environment or effects that can be mitigated, the lead agency prepares a negative declaration (ND) or mitigated ND (MND). If the project will have significant impacts, the lead agency prepares an environmental impact report (EIR) to evaluate and propose mitigation measures for any effects on the environment, including impacts or likely impacts to land, air, water, minerals, flora, fauna, ambient noise, and historic or aesthetic significance. (Public Resources Code (PRC) §§21000 et seq.)
- 2) Establishes and defines a PEIR in the CEQA guidelines as an EIR which may be prepared for a series of actions that can be characterized as one large project and are related either:
 - a) Geographically;
 - b) As logical parts in the chain of contemplated actions;

- c) In connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or
 - d) As individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. (C.C.R. CEQA Guidelines § 15168)
- 3) 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 WJT, including, but not limited to, acquiring, conserving, and managing WJT conservation lands.

This bill:

- 1) Enables CDFW to authorize, without fees or other mitigation, both of the following:
 - a) A single-family homeowner's removal or trimming of up to ten WJTs that are either:
 - i) Within 30 feet of the existing single-family residence or within 15 feet of an existing accessory structure; or
 - ii) Within 15 feet of the construction footprint of a new accessory structure for the existing single-family residence.
 - b) A public works project's removal or trimming of up to 40 WJTs 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.
- 2) Requires the property owner or public works project developer seeking a permit to submit a request to CDFW on a form that includes specified information on the property and WJTs affected.
- 3) Requires CDFW to approve or deny projects within 60 days of receipt of a request for a permit, and to provide an explanation if the permit is denied.

- 4) Exempts from CEQA permits for single-family homeowner's removal or trimming of up to ten WJTs meeting the criteria in (1)(a) above, 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.
- 5) Authorizes CDFW to enter into an agreement with any city to delegate take of a WJT associated with commercial and industrial projects.
 - a) Prohibits the taking of more than 40 WJT's for commercial or industrial projects that are permitted through the delegated authority to cities and prevents commercial and industrial projects from using the lower fee schedule.

Background

- 1) *Western Joshua Tree*. The WJT (*Yucca brevifolia*) is an iconic species that lives across a large portion of California's desert region. These slow-growing (about ½ inch to 3 inches per year) plants are 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. 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.
- 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 Actⁱ. 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) *CEQA 101*. CEQA is designed to (a) make government agencies and the public aware of the environmental impacts of a proposed project, (b) ensure the public can take part in the review process, and (c) identify and implement measures to mitigate or eliminate any negative impact the project may have on the environment. CEQA is enforced by civil lawsuits that can challenge any project’s environmental review.

Under CEQA, projects (unless they have a specific exemption) must undergo environmental analysis. This process starts with an initial study which determines what level of further environmental review is needed for a given project. If a project has no significant effects on the environment, or if those effects can be fully mitigated, the project can move forward with a negative declaration (ND) or mitigated negative declaration (MND). If the initial study finds the project has potential significant effects on the environment, then a full EIR is conducted.

Some projects may be eligible for CEQA exemptions. If a project is exempt from CEQA, the lead agency simply identifies which exemption the project is eligible for, and no further environmental review or public engagement is required.

There are two types of CEQA exemptions— statutory and categorical. Statutory exemptions are created by the Legislature and apply even if a project has the potential to significantly affect the environment. In contrast, categorical exemptions, which are developed by the Office of Planning and Research and approved by the Secretary of the Natural Resources Agency as part of the CEQA guidelines, generally do not apply if there are significant environmental impacts associated with the project. More specifically, categorical exemptions do not apply if (1) there is a reasonable possibility of a significant effect on the environment due to unusual circumstances; (2) significant cumulative impacts

from projects of the same type will result; or (3) the project will have impacts on a uniquely sensitive environment.

There are over 124 statutory CEQA exemptions in the Public Resources Code, Water Code, Government Code, Health and Safety Code. There are also 33 categorical CEQA exemptions listed in the CEQA guidelines.

- 4) *What is a Programmatic EIR?* Some projects that are similar or constitute a sequence of events may be grouped together under an umbrella EIR called a Program EIR (PEIR). The CEQA guidelines specify that a Program EIR may be useful and appropriate for projects that are related geographically, as logical parts in a chain of actions, are connected to a set of rules, regulations, are plans related to a single program, or are a set of activities.

Program EIRs can be used in two ways. A PEIR can be so comprehensive and detailed that it covers every environmental consideration that could come up for all the projects nested under the program: for these types of PEIRs, no further project-specific EIRs are needed. However, even if a PEIR cannot cover all environmental considerations for the projects that fall under its purview, the PEIR can still be used to cover environmental review for some aspects of those projects. In this case, the PEIR will be used in conjunction with a project-specific EIR that provides additional, site specific analysis that was not included in the PEIR.

Comments

- 1) *Purpose of Bill.* 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) *WJT Act updates take II.* In 2025, the Legislature passed AB 1089 (Carillo), which would have authorized 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. AB 1089 was vetoed with the following message:

“[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.”

AB 1808 builds off of the framework in AB 1089, requiring specified conditions be met before, 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. It also expands off AB 1089 to create a CEQA exemption for CDFW permits for single-family residences to remove or trim WJT under the provisions of AB 1808.

- 3) *Waiting on PEIR.* AB 1808 creates a CEQA exemption for CDFW permit for the removal or trimming of a WJT by an owner of an existing single-family residence from CEQA, until a until CDFW certifies and there is no ongoing litigation on a PEIR that addresses actions with the potential to result in limited take of western Joshua trees from single-family residences and accessory structures. CDFW held a scoping meeting on WJTCA Permitting Program Environmental Impact Report (PEIR) Scoping Meeting in December , 2025. At the June 2026 WJTCA quarterly meeting, CDFW indicated that the certification of the PEIR is likely not to occur by the end of 2026, but is instead delayed until mid-2027.

As described in the background section, PEIRs can be a useful tool to consolidate environmental review more efficient and provide serious time-savings. However, PEIRs can take a significant amount of time to develop. For example, the Board of Forestry and Fire Protection (Board) developed a Vegetation Treatment Program (VTP) PEIR which took over a decade to complete). The VTP PEIR, which was not created at the direction of the Legislature, was eventually finished following legislation in 2019 which

required the Board to complete and certify the final VTP PEIR by February 1, 2020.

To ensure that the CEQA exemption for CDFW's permit process for WJT removal or trimming by an owner of an existing single-family residence does not extend in perpetuity due to delays in the PEIR, *the author and committee may wish to specify that the CEQA exemption shall apply until the PEIR and its legislation is finalized, or until the WJTCA itself expires.*

- 4) *Amendments incoming.* The Senate Natural Resources and Water Committee took amendments on this bill, which, due to timing constraints, will be adopted in this committee.

DOUBLE REFERRAL:

This measure was heard in Senate Natural Resources and Water Committee on, June 24th, 2026, and passed out of committee with a vote of 7-0.

Related/Prior Legislation

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.

SOURCE: Author

SUPPORT:

Community Water Systems Alliance
Inland Action

Palmdale Water District
San Bernardino County

OPPOSITION:

California Desert Land Conservancy Db a Mojave Desert Land Trust; the
California Native Plant Society
Center for Biological Diversity
Defenders of Wildlife
Native American Land Conservancy

-- END --

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