
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

AB 1808 (Carrillo) - Western Joshua Tree Conservation Act: industrial projects and commercial projects: single-family residences: public works projects

Version: July 2, 2026

Urgency: No

Hearing Date: August 3, 2026

Policy Vote: N.R. & W. 7 - 0, E.Q. 6 - 0

Mandate: No

Consultant: Ashley Ames

Bill Summary: 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 (WJTs); further authorize CDFW to authorize, without fees or other mitigation the removal or trimming of up to 10 WJTs by the owner of a single family residence or up to 40 WJTs 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 certifies a programmatic environmental impact report; among other provisions, as provided.

Fiscal Impact:

- CDFW estimates ongoing costs of about \$2.1 million in fiscal year 2027-28 and \$2.0 million annually thereafter (General Fund) to support the new permitting pathway that would be created by this bill, including development of new application materials and forms, instructions and guidance materials, website updates, permit templates, education and outreach materials, and updated tracking metrics.

Background: The WJT is a slow-growing Mojave Desert species — seeds rarely germinate, growth slows to a few inches a year after age five, and trees may live around 150 years. CDFW status review finds current abundance relatively high, though population estimates are uncertain. Habitat loss from agricultural conversion and development has modified roughly 30% of the tree's occupied California habitat since European settlement, and over 7% of its range is now developed. Wildfire, aridification, and other climate effects compound the pressure: the 2020 Dome Fire alone killed 1.3 million WJTs, and CDFW anticipates much of the current range may be unviable habitat by 2100.

The WJT was proposed for threatened listing under the California Endangered Species Act (CESA) in late 2019 and accepted as a candidate species in 2020. It remains a candidate, which gives it protections similar to a listed species, including take prohibitions and permit requirements. The Fish and Game Commission (commission) is expected to hold off on a final listing decision until CDFW submits an updated status review, due no later than January 1, 2033.

The Western Joshua Tree Conservation Act (WJTCA) governs the species in the meantime. It prohibits taking, possessing, or selling the WJT without CDFW authorization, but creates permitting pathways for development: an incidental take permit (ITP) requiring the applicant to mitigate all impacts and minimize take as much as practicable, with in-lieu fees available instead of doing the mitigation directly, and a

separate permit for removing dead trees and trimming live ones. CDFW may delegate limited permitting authority to cities and counties for housing and public works projects, though no such agreements have been executed. In-lieu fees go into the WJT Conservation Fund, which CDFW may use only for acquiring, conserving, and managing conservation lands. A required conservation plan was approved in June 2025, and CDFW reports annually to the commission and Legislature.

Through the end of FY 2023-24, CDFW had issued 9 ITPs and 249 hazard management permits authorizing take of 3,175 WJTs and development of 2,888 acres of habitat. In-lieu fees totaling about \$3.1 million funded acquisition of 283 acres of high-value conservation land. Only 5 WJTs were relocated that year because relocation guidelines had not yet been released.

Two things are in motion. The commission must review the species' status and the conservation plan's effectiveness by August 31, 2026 and every two years after; CDFW has said it will recommend no changes. Separately, CDFW gained authority this year to adjust in-lieu fees by regulation and is drafting that rulemaking now, with the department noting it wants fees more proportionate to impacts and expecting revenues will need to rise. CDFW is also preparing a programmatic environmental impact report (PEIR) — not required by the WJTCA — intended to reduce CEQA compliance costs and delays for smaller applicants such as homeowners, with certification expected in mid-2027. Larger projects like subdivisions, utility-scale energy, and mining would not qualify. Conservation and permitting requirements for the WJT have been controversial throughout.

Proposed Law: This bill would:

1. Restructure the delegation provision to address counties and cities separately, and authorize CDFW to enter into an agreement with a city to delegate the ability to authorize take of a WJT associated with developing commercial projects and industrial projects, concurrent with the city's approval of the project, in addition to the single-family residences, multifamily residences, accessory structures, and public works projects for which delegation is authorized under existing law. Retain the existing county delegation categories without change.
2. Extend the existing 40-tree take limit for delegated permitting, which applies to public works projects under existing law, to commercial and industrial projects.
3. Extend the existing requirement that a county or city obtain CDFW's written concurrence before authorizing take of more than 20 but no more than 40 individual WJTs, which applies to public works projects under existing law, to commercial and industrial projects.
4. Add public works projects permitted by a county or city under a delegation agreement to the category of projects eligible for the lower in-lieu mitigation fee schedule regardless of location, which under existing law covers single-family residences, multifamily residences, and accessory structures.
5. Authorize CDFW to issue a permit, without payment of fees or other mitigation, for:

- a. Removal of no more than 10 WJTs, or trimming of WJTs, by the owner of an existing single-family residence occupied by a person who maintains a homeowner's property tax exemption on the residence under Revenue and Taxation Code §218, where the trees are within 30 feet of the residence, within 15 feet of an existing accessory structure, or within or within 15 feet of the construction footprint of a new accessory structure proposed for the existing residence.
 - b. Removal of no more than 40 WJTs, or trimming of WJTs, by the proponent of a public works project to repair, rehabilitate, replace, or maintain an existing structure, where the trees are within or within 15 feet of that construction footprint.
6. Require a property owner or public works proponent seeking a permit under these provisions to avoid and minimize impacts to, and the taking of, WJTs to the maximum extent practicable.
7. Require an applicant to submit a request on a CDFW-provided form containing:
 - a. The applicant's name, telephone number, mailing address, and email address.
 - b. The street address of the residence or public works project, or the assessor's parcel number if no street address is available.
 - c. A statement as to whether each tree meets the applicable proximity conditions.
 - d. The size class of each tree, in accordance with the size classes in Section 1927.3.
 - e. The distance of each tree from the residence, existing accessory structure, or construction footprint.
 - f. Photographs of each tree depicting its location relative to the residence, existing accessory structure, or construction footprint.
8. Require CDFW, within 60 days of receiving a request, either to notify the applicant that it will issue a permit or to deny the request with a brief description explaining why a permit cannot be issued.
9. Exempt issuance of a permit under the single-family residence provision from CEQA until CDFW certifies a PEIR addressing 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 any litigation challenging that PEIR, or until January 1, 2032, whichever occurs first.

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.

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 1663 (Wallis, 2026) would provide an additional no-fee permitting pathway under the WJTCA for single family homes that are a primary residence for repair, maintenance, and replacement of existing infrastructure and utilities and for meeting certain wildfire prevention, health, and safety requirements, 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.

-- END --