
THIRD READING

Bill No: AB 1808
Author: Carrillo (D)
Amended: 8/19/26 in Senate
Vote: 27 - Urgency

SENATE NATURAL RES. & WATER COMMITTEE: 7-0, 6/23/26
AYES: Becker, Seyarto, Allen, Cabaldon, Grove, Laird, Stern

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 6-0, 7/1/26
AYES: Blakespear, Valladares, Dahle, Gonzalez, Hurtado, Menjivar
NO VOTE RECORDED: Allen

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 67-0, 5/22/26 - See last page for vote

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

SOURCE: Author

DIGEST: This bill 1) authorizes 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; 2)further authorizes 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 3) waives 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.

Senate Floor Amendments of 8/19/26 add chaptering out amendments with SB 1062 (Ochoa Bogh, 2026).

ANALYSIS:

Existing law:

- 1) Establishes 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 & 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 protections under the California Endangered Species Act (CESA) 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.
- 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 CDFW to enter into an agreement with a city to delegate to the city the ability to authorize the take of a WJT associated with developing commercial and industrial projects concurrent with the city's approval of a project, as provided.
 - a) Limits the city's delegated take authorization to no more than 40 individual WJT.
 - b) Requires the city to obtain CDFW's written concurrence that a commercial or industrial project has avoided and minimized the take of WJT for projects that take more than 20 individual WJT.
 - c) Authorizes only commercial and industrial projects in certain locations to pay in-lieu fees to satisfy the project's mitigation requirements.
- 2) Authorizes CDFW to authorize by permit both a) and b) below with reduced mitigation fees of \$250 for each WJT equal to or greater than 5 meters in height, \$50 for each WJT between 1 and up to 5 meters in height, and \$37.50 for each WJT less than 1 meter in height:
 - a) The removal of no more than 10 WJTs or trimming of WJTs by an owner-occupant of an existing single-family residence (SFR) if the WJTs are:
 - i) Within 30 feet of an existing SFR 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 proposed for an existing SFR.
 - b) The removal of no more than 40 WJTs or trimming of WJTs by the proponent of a public works project if the WJTs are within the construction footprint, or within 15 feet of the construction footprint, of a public works project to repair, rehabilitate, replace, or maintain an existing structure.
- 3) Authorizes a county or city operating under an approved delegation agreement to authorize by permit without mitigation both a) and b) below:
 - a) The removal of no more than 10 WJTs or trimming of WJTs by an owner-occupant of an existing SFR if the WJTS are:

- i) Within 30 feet of an existing SFR 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 proposed for an existing SFR.
 - b) The removal of no more than 40 WJTs or trimming of WJTs by the proponent of a public works project if the WJTs are within the construction footprint, or within 15 feet of the construction footprint, of a public works project to repair, rehabilitate, replace, or maintain an existing structure.
 - c) Authorizes a county or city issuing a permit under a) or b) above to impose a reasonable fee to cover the administrative costs of issuing the permit.
 - d) Requires a property owner or proponent of a public works project seeking a permit under a) or b) above to submit a request to the county or city on a form provided by the county or city that requires the following information:
 - i) Name, telephone number, mailing and email address of the property owner or public works project proponent.
 - ii) The street address of the SFR or public works project on which each WJT requested to be removed or trimmed is located, or alternative location information, as provided.
 - iii) A statement on how each WJT requested to be trimmed or removed meets the conditions of (a) or (b) above.
 - iv) The size class of each WJT requested to be trimmed or removed.
 - v) The distance of each WJT requested to be trimmed or removed from the SFR, existing accessory structure or construction footprint of a new accessory structure that is proposed or of the public works project.
 - vi) Photographs of each WJT requested to be removed or trimmed that depict its location relative to the SFR, existing accessory structure, or construction footprint of a new accessory structure that is proposed to be constructed or of the public works project.
 - e) Requires the county or city, within 60 days of receipt of a request for a permit, to either notify the property owner or public works project proponent that the county or city will issue the permit or deny the request, as provided.
- 4) Provides that CEQA does not apply to issuing a permit pursuant to 2) until CDFW certifies a PEIR that addresses actions with the potential to result in limited take of WJTs for SFRs and accessory structures and there is a final unappealable judgment in litigation, if any, challenging the PEIR, or until January 1, 2032, whichever occurs first.
- 5) Postpones by six months to June 30, 2027 when the first revision of the fees by CDFW is due.

- 6) Adds an urgency provision for specified reasons, adds chaptering out amendments with SB 1062 (Ochoa Bogh, 2026), and makes various conforming changes to statute.

Background

The WJT is a candidate species for listing under CESA.

[NOTE: For additional information about this bill, see the Senate Natural Resources and Water, and Environmental Quality Committees' analyses.]

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

According to the Senate Appropriations Committee:

- Ongoing costs of an unknown amount, likely around or less than \$1 million annually (General Fund), for CDFW 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.

SUPPORT: (Verified 8/19/26)

Associated General Contractors of California
 Bighorn-Desert View Water Agency
 California Association of Realtors
 California Building Industry Association
 California Construction and Industrial Materials Association
 California Farm Bureau
 Community Water Systems Alliance
 County of San Bernardino
 Hi-Desert Water District
 Inland Action
 Morongo Basin Residents for Reasonably Joshua Tree Regulation
 Palmdale Water District

OPPOSITION: (Verified 8/19/26)

None received

ARGUMENTS IN SUPPORT: According to the author, “The Western Joshua Tree 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 Western Joshua Tree 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."

ASSEMBLY FLOOR: 67-0, 5/22/26

AYES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Connolly, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, 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, Tangipa, Valencia, Wallis, Ward, Wilson, Rivas

NO VOTE RECORDED: Addis, Arambula, Boerner, Chen, Elhawary, Gabriel, Hart, Muratsuchi, Ramos, Celeste Rodriguez, Ta, Wicks, Zbur

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***** END *****