

CONCURRENCE IN SENATE AMENDMENTS

AB 1808 (Carrillo)

As Amended August 19, 2026

2/3 vote. Urgency

SUMMARY

Authorizes the Department of Fish and Wildlife (CDFW) to enter into an agreement with any city to permit the take of up to 40 western Joshua trees associated with commercial and industrial projects; authorizes CDFW, or a county or city through a delegated agreement, to permit, without mitigation, the removal or trimming of up to ten western Joshua trees by the owner of an existing single-family residence or up to 40 western Joshua trees by the proponent of a public works project; and exempts single-family home projects from the California Environmental Quality Act (CEQA) until a programmatic environmental impact report (PEIR) is certified.

Senate Amendments

- 1) Authorize a county or city with an approved delegated agreement to permit, without mitigation, the removal or trimming of up to ten western Joshua trees by the owner of an existing single-family residence or up to 40 western Joshua trees by the proponent of a public works project, under certain circumstances. Allows the county or city to impose reasonable administrative fees.
- 2) Allow the CEQA exemption only through January 1, 2032, in the event the PEIR is not certified.
- 3) Extend the deadline for CDFW to adjust Western Joshua Tree Conservation Act (WJTCA) fees from December 31, 2026 to June 30, 2027.
- 4) Double-joint this bill with SB 1062 (Ochoa Bogh), of the current legislative session, to solve chaptering conflicts should both bills be enacted.
- 5) Establish the urgency of this bill and require the bill to go into effect immediately.

COMMENTS

The western Joshua tree, *Yucca brevifolia*, is a member of the Agave family. The Joshua tree is a monocot in the subgroup of flowering plants that also includes grasses and orchids. Many birds, mammals, reptiles, and insects depend on the Joshua tree for food and shelter. Populations of western Joshua trees within California have 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 western Joshua trees in California may have been modified between European settlement and the present.

To provide protections to western Joshua trees and hopefully prevent an official listing under the California Endangered Species Act (CESA), while enabling development, WJTCA was enacted in 2023. WJTCA prohibits the importation, export, take, possession, purchase, or sale of any western Joshua tree in California unless authorized by CDFW. WJTCA authorizes CDFW to issue permits for the incidental take of one or more western Joshua trees if the permittee meets certain conditions. Permittees may pay specified fees in lieu of conducting mitigation activities.

WJTCA also authorizes CDFW to issue permits for the removal of dead western Joshua trees and the trimming of live western Joshua trees under certain circumstances.

Pursuant to the WJTCA, CDFW may enter into an agreement with any county or city to delegate limited authority to permit the take of a western Joshua tree associated with developing single-family residences, multifamily residences, accessory structures, and public works projects (Delegation Agreements). Delegation Agreements for this purpose limit the number of trees that may be taken depending on the type of project. CDFW may similarly enter into Delegation Agreements with any county or city to permit the removal of dead western Joshua trees and the trimming of live western Joshua trees. Delegation Agreements became available as of February 28, 2024. To date, no delegation agreements have been approved.

Under WJTCA, all in-lieu fees collected will be deposited into the Western Joshua Tree Conservation Fund (Conservation Fund) for appropriation to CDFW solely for the purposes of acquiring, conserving, and managing western Joshua tree conservation lands and completing other activities to conserve the western Joshua tree. Additionally, WJTCA requires CDFW to develop and implement a western Joshua tree conservation plan in collaboration with governmental agencies, California Native American tribes, and the public. CDFW must also develop annual reports assessing the conservation status of the western Joshua tree and submit them to the Commission and the State Legislature no later than January 1 of each year, starting in 2025. The Commission is expected to postpone final consideration of the petition to list the western Joshua tree until CDFW submits an updated status review to the Commission no later than January 1, 2033.

CDFW also implemented two permitting systems: as of March 2026, 106 WJTCA incidental take permits (ITPs) and 742 hazardous management permits have been issued. Through 2023–2025, 23,854 trees have been authorized for lethal removal. Each permit type takes on average the following number of trees: single-family residence (41), multi-family residence (133), accessory structures (7), public works projects (246), commercial projects (176), and industrial projects (306). As of March 2026, \$14.4 million has been collected from permits, with 283 acres being conserved and more acquisitions planned for this year now that CDFW has contracted with consultants to pursue new conservation opportunities.

The WJTCA included various triggers to evaluate the effectiveness of the act. Beginning in 2026, and at least every two years thereafter, the Commission shall review the status of the western Joshua tree and the effectiveness of the Conservation Plan in conserving the species. Concurrent with each review, CDFW will make recommendations to the Commission, as necessary, for amendments to the Conservation Plan to ensure the conservation of the western Joshua tree. CDFW has recently concluded public comments on the Conservation Plan and expects to present recommendations to the Commission at the August meeting.

By December 31, 2026, and every three years afterward, CDFW is required to adjust fees as necessary to ensure the conservation of the western Joshua tree using "total cost accounting when determining the adequacy of the fees for ensuring conservation of the species, including ensuring sufficient funds for land acquisition or conservation easement costs, monitoring costs, restoration costs, transaction costs, and the amount of endowments for land management or easement stewardship costs." Initial review by CDFW indicates that fees are currently insufficient to satisfy the standards of the WJTCA and will be evaluating alternative fee schedules. Notably, in public meetings, CDFW staff have indicated that they intend to seriously

explore reducing the fee burden on small impact projects, such as those for single-family residences, which are a small portion of fee revenues. This bill extends the deadline for CDFW to adjust fees to June 30, 2027 to give CDFW additional time to incorporate changes made by this bill in the fee schedule.

CDFW permits the take of a species listed under CESA through ITPs. ITPs enable the take of a CESA-listed species during an otherwise lawful activity. CDFW's issuance of an ITP is considered a discretionary action under CEQA, so before CDFW can issue an ITP, the applicant must have completed the necessary steps under CEQA.

CDFW must also comply with CEQA to issue a take authorization under the WJTCA. CDFW acknowledges that these new 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 western Joshua trees. CDFW is currently drafting a 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 western Joshua tree, as authorized under the WJTCA. 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.

According to the Author

"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."

Arguments in Support

Several entities write in support of this bill sharing the sentiment that this bill provides practical relief from WJTCA for construction needs and for home-owners. They note that this bill will help keep essential projects on schedule, increase the predictability for project managers, and reduce fee burden for home-owners.

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, this bill has the following fiscal impact:

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.

VOTES:**ASM WATER, PARKS, AND WILDLIFE: 12-0-1**

YES: Papan, Jeff Gonzalez, Alanis, Alvarez, Ávila Farías, Bains, Bennett, Caloza, Gallagher, Hart, Muratsuchi, Rogers

ABS, ABST OR NV: Boerner

ASM NATURAL RESOURCES: 12-0-2

YES: Bryan, Ellis, Alanis, Connolly, Garcia, Haney, Hoover, Kalra, Macedo, Pellerin, Schultz, Wicks

ABS, ABST OR NV: Muratsuchi, Zbur

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

ASSEMBLY FLOOR: 67-0-13

YES: 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

ABS, ABST OR NV: Addis, Arambula, Boerner, Chen, Elhawary, Gabriel, Hart, Muratsuchi, Ramos, Celeste Rodriguez, Ta, Wicks, Zbur

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