

THIRD READING

Bill No: SB 1061
Author: Ochoa Bogh (R)
Amended: 4/23/26
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 5-0, 4/21/26
AYES: Becker, Seyarto, Cabaldon, Laird, Stern
NO VOTE RECORDED: Allen, Grove

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Western Joshua Tree Conservation Act: relocation

SOURCE: Author

DIGEST: This bill authorizes the California Department of Fish and Wildlife (CDFW) to authorize, by permit, and without payment of fees or other mitigation, the relocation of up to 10 individual western Joshua trees (WJT) from a parcel within 2.5 kilometers of their original location, and requires a person seeking a relocation permit to submit a permit application to CDFW and meet certain other conditions, among other provisions, as provided.

ANALYSIS:

Existing law:

- 1) Establishes CDFW and the 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 California Fish and Game Commission's (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 and 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 pursuant to 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 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 Western Joshua Tree Conservation Act (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. Authorizes CDFW to include in its permit conditions the requirement that the permittee relocate one or more WJTs. Requires permittees to bear responsibility for implementing measures to assist the survival of relocated WJTs.
 - 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) 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.
- h) 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.
- i) Requires CDFW to submit an annual report to the commission and the Legislature addressing the conservation status of the WJT, as provided.
- j) 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.
- k) 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 authorize, by permit (relocation permit), and without payment of fees or other mitigation, the relocation of a WJT.
- 2) Requires all of the following conditions to be met to be eligible for a relocation permit:
 - a) The WJT tree identified in an application for a relocation permit is located on either a parcel that contains a single-family residence that is the primary residence of the person who submitted the relocation permit application or a parcel that contains a multifamily residence that is the primary residence of at least one-half of the families.
 - b) The person who submitted the relocation permit application is the property owner, or is authorized to submit a relocation permit application by the property owner, of the parcel on which the WJT identified in the relocation permit application for relocation is located.
 - c) The person who submitted the relocation permit application is the property owner, or is authorized to relocate a WJT by the property owner, of the parcel where the WJT identified in the relocation permit application is being relocated to.

- d) The WJT identified in the relocation permit application is being relocated within 2.5 kilometers of its original location.
 - e) The relocation would be consistent with the guidelines and relocation protocols adopted by CDFW, as specified.
- 3) Requires a person seeking a relocation permit to submit a relocation permit application to CDFW. Authorizes CDFW to approve the completed application. Requires CDFW to notify the applicant in writing, upon approval, and issue a relocation permit.
 - 4) Requires a permittee to comply with the terms and conditions of the relocation permit, as specified.
 - 5) Limits relocation pursuant to the relocation permit to no more than 10 individual WJTs from any one parcel while the WJTCA remains in effect.
 - 6) Requires CDFW to maintain a list of relocation permits issued, and sufficient information regarding each relocation to be able to assess the success or failure of the relocation and the factors contributing to that success or failure, as provided.

Background

The WJT is currently a candidate species under CESA as determined by the commission.

[NOTE: For additional information on this bill, please see the Senate Natural Resources and Water Committee's analysis.]

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

According to the Senate Appropriations Committee:

- Unknown ongoing costs, likely in the low hundreds of thousands of dollars annually (General Fund), for CDFW to implement the provisions of this bill.
- To the extent that CDFW authorizes the relocation of WJTs without payment of fees as authorized by this bill, ongoing forgone fee revenues of an unknown amount (WJT Conservation Fund). At the end of fiscal year 2023-24, CDFW had collected in-lieu mitigation fees totaling approximately \$3.1 million under the WJTCA.

SUPPORT: (Verified 5/15/26)

Bighorn-Desert View Water Agency
California Building Industry Association
California Farm Bureau
City of Big Bear Lake
City of Hesperia
City of Victorville
Community Water Systems Alliance
Greater High Desert Chamber of Commerce
League of California Cities Desert Mountain Division
Morongo Basin Residents for Reasonable Joshua Tree Regulations
Palmdale Water District
San Gorgonio Pass Water Agency
Town of Apple Valley
Town of Yucca Valley
The Honorable Dawn Rowe, Supervisor, 3rd District, San Bernardino County
Twentynine Palms Water District
Western Manufactured Housing Communities Association

OPPOSITION: (Verified 5/15/26)

None received

ARGUMENTS IN SUPPORT: According to the author, “SB 1061 establishes a targeted exemption for the relocation of Western Joshua trees within the same parcel or to a contiguous parcel under the same ownership, recognizing that such actions do not result in a net loss of trees and therefore should not trigger permitting requirements.”

[...]

“[T]hese updates reduce unnecessary regulatory burdens, provide clarity, and support practical, conservation-minded land management without weakening protections for the species.”

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5/16/26 10:16:54

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