

---

## SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair  
2025 - 2026 Regular Session

---

### SB 1062 (Ochoa Bogh) - Western Joshua Tree Conservation Act: fees

**Version:** April 23, 2026

**Urgency:** No

**Hearing Date:** May 11, 2026

**Policy Vote:** N.R. & W. 6 - 0

**Mandate:** No

**Consultant:** Ashley Ames

**Bill Summary:** This bill would require the California Department of Fish and Wildlife (CDFW), under the Western Joshua Tree Conservation Act (WJTCA), to consider (1) making in-lieu fees proportionate to project impacts, as specified, and (2) the use of fees tiered by project type, size, or other criteria.

#### **Fiscal Impact:**

- CDFW estimates ongoing costs of \$772,000 in the first year and \$747,000 annually thereafter (General Fund) to consider developing a tiered fee structure for different projects as well as to consider project fees and impacts on a case-by-case basis.
- To the extent CDFW adjusts fees or fee structures under the WJTCA as a result of this bill, possible ongoing revenue impacts (WJT Conservation Fund). Actual amounts would depend on the size and scale of any specific changes to WJTCA fees, but could be significant. For example, CDFW collected in-lieu mitigation fees totaling about \$3.1 million by the end of fiscal year 2023-24.

**Background:** The WJTCA was enacted to conserve WJT and its habitat while providing pathways for development with appropriate permitting and mitigation, including in-lieu fees for the take of WJT. The WJTCA provides a carefully circumscribed additional and alternative permitting mechanism for “take” of the species. The WJTCA prohibits the import, export, take, possession, purchase, or sale of any WJT in California unless authorized by CDFW. WJTCA authorizes CDFW to issue permits for the incidental take of one or more WJTs if the permittee meets certain conditions. These include that the permittee mitigates all impacts to, and taking of, the WJT, and avoids and minimizes impacts to, and the taking of, the WJT to the maximum extent practicable. Permittees may pay specified fees in lieu of conducting mitigation activities. WJTCA also authorizes CDFW to issue permits for the removal of dead WJTs and the trimming of live WJTs under certain circumstances. These two permits are the WJTCA incidental take permit (ITP), and the Hazard Management Permit, respectively.

Pursuant to the WJTCA, CDFW may enter into an agreement with any county or city to delegate limited authority to permit WJT take associated with developing single-family residences, multifamily residences, accessory structures, and public works projects. These so-called delegation agreements limit the number of WJTs 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 WJTs and the trimming of live WJTs. The goal of the delegation agreements was to provide a single permitting process for project applicants. No delegation agreements have yet been executed to Committee staff knowledge.

Additionally, WJTCA requires CDFW to develop and implement a WJT conservation plan, as provided. The final conservation plan was approved by the commission in June 2025. CDFW must also compile annual reports assessing WJT conservation status and submit them to the commission and Legislature annually.

In August 2025, CDFW released the Western Joshua Tree Relocation Guidelines and Protocols to guide how and when to relocate WJTs to minimize impacts to populations, prevent habitat fragmentation, and preserve WJT connectivity. Of note, the current guidelines state that CDFW will generally not require relocation for any project that will lethally take fewer than 75 WJTs and that will impact less than 10 acres of WJT habitat, although it will consider additional factors such as whether or not the project is located within predicted climate refugia or will otherwise minimize lethal take. CDFW will undertake a process to determine the number of relocations required as a minimization measure, if feasible. In assessing relocation sites, CDFW notes that “efforts should be made to relocate each salvage tree as close to its original location as is possible.”

Where relocation is required, a relocation plan must be prepared by the permittee and approved by CDFW prior to the issuance of a WJTCA ITP. A relocation plan includes information about where the salvage trees are located, and where they will be moved to, among other requirements. There are pre-relocation, relocation, and post-relocation protocols to help to ensure successful relocation, such as siting, timing, methods of removal and transport, post-planting stabilization, maintenance and monitoring (including site visits), and reporting.

In addition, as required by the WJTCA, two processes are currently underway:

- The commission is required to review the status of the WJT and the effectiveness of the WJT conservation plan by August 31, 2026 and every two years thereafter. CDFW is required to make recommendations to amend the conservation plan, if needed. A public meeting was held in January 2026, CDFW is currently reviewing comments received and new information, and CDFW is anticipated to provide its recommendations to the commission this summer.
- In addition to authorized indexing, CDFW is authorized, beginning this year, to adopt regulations to adjust the in-lieu mitigation fees to ensure WJT conservation. An informational public forum was held in January and CDFW is currently drafting the Initial Statement of Reasons for a regulatory change which is anticipated to be released by the Spring. The fee adjustment costs will consider restoration, monitoring, land acquisition, conservation easements, and endowments for stewardship of land acquisitions or conservation easements, and do not include CDFW staffing costs. According to its presentation, “CDFW is looking for opportunities to make fees more proportionate to impacts,” and notes that revenues will likely need to increase to ensure WJT conservation.

Additionally, although not required by the WJTCA, CDFW has begun the preparation of a WJTCA Permitting Programmatic Environmental Impact Report (PEIR). WJTCA permitting requires compliance with the California Environmental Quality Act (CEQA), and applicants are generally responsible for CEQA documentation which can cause a disproportionately high financial strain and time delays on homeowners and small projects. The goal of the PEIR preparation is to reduce the time and cost of CEQA

compliance for applicants with qualifying projects. Types of qualifying projects include single- and multi-family residences and accessory structures; commercial, industrial, institutional or religious structures; utilities, infrastructure, facilities and buildings; and defensible space and on-site safety actions. Qualifying projects may include a limitation on habitat acreage involved and the number of WJTs to be removed. Non-qualifying projects include land development including subdivisions, utility-scale energy generation, transmission or storage projects; or mining operations. Certification of the PEIR is anticipated by the end of the year.

**Proposed Law:** This bill would require CDFW to consider making the fees paid by permittees in lieu of mitigation measures proportionate to the impact of a project as well as the use of tiered fees by project type, size, or other criteria.

### **Related Legislation:**

SB 1061 (Ochoa Bogh, 2026) would allow CDFW, under the WJTCA, to authorize, by permit and without payment of fees or other mitigation, the relocation of up to 10 western Joshua trees from a parcel.

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 is failed passage in policy committee.)*

AB 1808 (Carillo, 2026) would authorize 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, and would authorize CDFW to permit, without payment of fees or other mitigation, the removal or trimming of a western Joshua tree by the owner of an existing single-family residence or by the developer of a public works project, under certain circumstances, as provided.

AB 1663 (Wallis, 2026) would exempt from the WJTCA a project or activity located within a parcel that contains, or will contain, a single-family residence that has been continuously owned by the same person, as specified, on or before July 10, 2023, and the parcel owner complies with applicable local ordinances regarding WJTs as those local ordinances read on July 10, 2023, 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.

**Staff Comments:** Under WJTCA, all in-lieu fees collected are to be deposited into the WJT Conservation Fund for appropriation to CDFW solely for the purposes of acquiring, conserving, and managing WJT conservation lands and completing other activities to conserve the WJT. As of the end of Fiscal Year 2023-2024, CDFW had issued 9 ITPs under the WJTCA and 249 Hazard Management permits authorizing the take of 3,175 WJTs. Most of the authorized take was under the ITPs which provided for the development of 2,888 acres of WJT habitat. In-lieu mitigation fees totaling approximately \$3.1 million were collected, which funded the acquisition of 283 acres of “ecologically core” lands for conservation over 3 parcels.

This bill would require CDFW to consider developing a tiered fee structure for different projects. CDFW notes that implementation of this provision would require additional staff to evaluate and define project categories, establish thresholds for project-size or impacts, and determine how fee tiers would be structured across different types of projects. Department staff would be needed to refine application templates, guidance documents, and update tracking metrics.

CDFW expects there would be a high volume of applications for a broad range of projects requesting a tiered fee structure if it were to implement one. In addition, CDFW would need to specify how to incorporate these considerations into the existing fee structure, including updates to CDFW’s guidance, documentation, and fee-calculation processes under the WJTCA.

According to CDFW, processing these requests on a case-by-case basis would increase the complexity and time required for permit review, particularly for larger or more complex infrastructure projects, and CDFW expects it would require a high level of coordination, technical evaluation, and negotiation, which would increase staff time needed for each project application and would require additional resources to support consistent implementation across regions.

-- END --