

THIRD READING

Bill No: SB 1062
Author: Ochoa Bogh (R)
Amended: 4/23/26
Vote: 21

SENATE NATURAL RES. & WATER COMMITTEE: 6-0, 4/21/26
AYES: Becker, Seyarto, Cabaldon, Grove, Laird, Stern
NO VOTE RECORDED: Allen

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

SUBJECT: Western Joshua Tree Conservation Act: fees

SOURCE: Author

DIGEST: This bill requires the California Department of Fish and Wildlife (CDFW), when adjusting the in lieu fees for the take of western Joshua trees (WJTs) under the Western Joshua Tree Conservation Act (WJTCA), to consider making the fees proportionate to the impact of the project and the use of tiered fees by project type, size, or other criteria.

ANALYSIS:

Existing law:

- 1) Establishes the 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 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 California Endangered Species Act (CESA) protections 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 WJTCA that enacts the following, among other provisions (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, the California Endangered Species Act (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.
- i) Requires CDFW to utilize 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 stewardship costs, as provided.
- 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) 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 requires CDFW, when adjusting the in lieu fees for WJTs, to consider making the fees proportionate to the impact of the project and the use of tiered fees by project type, size, or other criteria.

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:

- 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.

SUPPORT: (Verified 5/15/26)

Antelope Valley Economic Development Growth Enterprise
Bighorn-Desert View Water Agency
CalCIMA
California Building Industry Association
California Groundwater Coalition
City of Big Bear Lake
City of Hesperia
City of Victorville
Community Water Systems Alliance
County of San Bernardino
Greater High Desert Chamber of Commerce
Hi-Desert Water District
Joshua Basin Water District
League of California Cities, Desert Mountain Division
Mojave Water Agency
Morongo Basin Residents for Reasonable Joshua Tree Regulations
Town of Apple Valley
Town of Yucca Valley
Western Manufactured Housing Communities Association

OPPOSITION: (Verified 5/15/26)

None received

ARGUMENTS IN SUPPORT: According to the author, “The Western Joshua tree is a native plant species found throughout California’s high desert and is protected by the WJTCA, which prohibits the taking of the species unless authorized by CDFW. While these protections serve an important conservation purpose, public agencies responsible for operating, maintaining, or constructing systems that provide life-sustaining services – such as electricity, gas, water, sewer, or telecoms – face unique challenges in complying with the existing permitting and fee structure.”

“For example, the service territory of a water agency may encompass hundreds of Western Joshua trees that must be removed, relocated, or trimmed for the purpose of completing a district-wide septic-to-sewer conversion project. The payment of fees for each individual tree, broad avoidance buffers, and difficult minimization measures can create significant financial burdens for the agency and can result in millions of dollars in costs passed on to ratepayers.”

Prepared by: Katharine Moore / N.R. & W. / (916) 651-4116
5/16/26 10:25:35

**** **END** ****