

Date of Hearing: July 1, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

SB 1062 (Ochoa Bogh) – As Amended April 23, 2026

Policy Committee: Water, Parks and Wildlife Vote: 11 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill requires the California Department of Fish and Wildlife (CDFW), when it adjusts fees under the Western Joshua Tree Conservation Act (WJTCA), to consider making the fees proportionate to the impact of a project and consider the use of tiered fees by project type, size, or other criteria.

FISCAL EFFECT:

CDFW estimates General Fund costs of approximately \$772,000 in fiscal year (FY) 2027-28 and \$747,000 in FY 2028-29 and ongoing for three positions to implement the requirements of this bill.

As discussed in the background, CDFW is in the process of developing regulations to adjust mitigation fees to ensure fees are adequate for the conservation of the western Joshua tree (WJT) species. The department held a public meeting in January 2026 to receive initial feedback on its fees and expects to complete this process in late 2026. CDFW contends that while it is already undertaking a fee adjustment process, this bill adds additional complexity to its work by requiring the department to consider proportionate and tiered fee structures – which may require CDFW to evaluate and define project categories, establish thresholds for project sizes or impacts, and determine how fee tiers would be structured for different types of projects. CDFW would additionally need to modify project application templates and guidance documents and update tracking metrics.

CDFW anticipates receiving a high volume of applications for a broad range of projects requesting a tiered fee structure if such a structure were to go into effect. The department contends that processing these requests on a case-by-case basis would increase the complexity of and time required for permit review, particularly for larger or more complex infrastructure projects. CDFW asserts that the anticipated level of coordination, technical evaluation, and negotiation required to implement this bill would result in increased staff time per project application as well as additional resources to support consistent implementation across regions.

COMMENTS:

1) **Purpose.** According to the author:

[This bill] promotes a fairer and more practical fee structure under the WJTCA by directing CDFW to consider whether mitigation fees

should be proportionate to a project's actual impact and tiered by project size, type, or other criteria. This approach helps ensure that smaller or lower-impact projects are not treated the same as larger projects with very different footprints, reducing the risk of disproportionate costs being passed on to local agencies, ratepayers, and rural communities.

- 2) **Background. *WJTCA*.** Enacted in 2023, the WJTCA prohibits the importation, export, take, possession, purchase, or sale of any WJT in California unless authorized by CDFW. The act authorizes CDFW to issue permits for the incidental take (a take that is incidental to otherwise lawful activities) of one or more WJTs if the permittee meets certain conditions. Permittees may pay specified fees in lieu of conducting mitigation activities. The act also authorizes CDFW to issue permits for the removal of dead WJTs and the trimming of live WJTs under certain circumstances.

Under the act, all in-lieu fees collected are 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. CDFW has implemented two permitting systems under the act, and as of March 2026, the department had issued 106 incidental take permits or ITPs (which require mitigation fees) and 742 hazardous management permits (which is a free permit). Between 2023 and 2025, almost 24,000 trees had been authorized for lethal removal.

Fee Adjustment. The WJTCA requires CDFW, by December 31, 2026, and every three years afterward, to adjust fees as necessary to ensure the conservation of the WJT 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 the department will be evaluating alternative fee schedules. Notably, in public meetings, CDFW staff have indicated they intend to explore reducing the fee burden on small-impact projects, such as those for single-family residences, which are a small portion of fee revenues. CDFW has drafted an initial statement of reasons for the regulation change, which is expected to be released this summer and will be followed by a public comment period and public meeting. This bill provides CDFW with clear statutory authority to develop a fee structure that is proportional to the impact of the project, further supporting CDFW's work to reduce fee impacts on single family homeowners.

Among others in support of the bill, the San Bernardino County Board of Supervisors argues that while protections for the WJT serve an important conservation purpose, “the current mitigation framework has created challenges for public agencies delivering critical infrastructure, including water, sewer, energy, flood control, and wildfire resilience projects.” In San Bernardino County, where projects often span large, rural, and high fire risk areas, the county asserts that uniform per-tree fees on large-scale efforts can result in disproportionate costs totaling tens of thousands of dollars. The county writes:

SB 1062 provides a more balanced approach by allowing CDFW to tailor mitigation fees to reflect actual project impacts. The use of

tiered, impact-based fees introduces needed flexibility and ensures requirements are more proportionate. This will help reduce costs, improve project feasibility, and allow public resources to be used more efficiently while still supporting conservation goals. By enabling a more flexible fee structure, SB 1062 will help lower project costs and support the timely delivery of critical infrastructure that protects public safety, reduces wildfire risk, and strengthens community resilience.

Analysis Prepared by: Nikita Koraddi / APPR. / (916) 319-2081