SENATE THIRD READING
SB 1062 (Ochoa Bogh)
As Amended April 23, 2026
Majority vote

SUMMARY

Clarifies that, when the California Department of Fish and Wildlife (CDFW) adjusts the fees under the Western Joshua Tree Conservation Act (WJTCA), CDFW shall 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.

Major Provisions

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.

Western Joshua trees are widely distributed in the Mojave Desert region of California. According to CDFW's Status Review of the species, estimates indicate that the abundance of the western Joshua tree is currently relatively high, but there is high uncertainty in estimates of population size due to both the uncertainty of density estimates, and uncertainty regarding how much area is occupied by the species. The population of the western Joshua tree within California has declined following European settlement of the Mojave Desert region, primarily due to habitat loss and degradation related to agricultural conversion and development. In response to this threat, the western Joshua tree was proposed for listing as threatened under the California Endangered Species Act at the Fish and Game Commission (Commission) in late 2019. The Commission accepted the western Joshua tree as a candidate species in 2020 and has not yet made a final decision on the listing.

To provide protections to western Joshua trees and hopefully prevent an official listing 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 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 by no later than January 1, 2033.

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 WJTCA and CDFW will be evaluating alternative fee schedules. Notably, in public meetings, CDFW staff have indicated that they intend to explore reducing the fee burden on small impact projects (e.g., for single-family residences) which are a small portion of fee revenues. This bill would provide 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.

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."

Arguments in Support
Several localities and organizations write in support of this bill. The California Building Industry Association writes that "The WJTCA can result in excessive fees being imposed on property owners, small businesses, local governments, and public utilities." The San Bernardino County Board of Supervisors concurs that the current mitigation framework has created challenges for public agencies delivering critical infrastructure. They write with a sentiment shared by all supporters: that this bill will provide a more balanced and proportional approach to reflect actual project impacts, which will help lower project costs and enable timely project delivery.

Arguments in Opposition
None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, this bill has the following fiscal impacts:

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 species. CDFW 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 CDFW 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. CDFW 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.

VOTES

SENATE FLOOR: 33-0-7

YES: Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
ABS, ABST OR NV: Allen, Alvarado-Gil, Becker, Hurtado, Niello, Padilla, Stern

ASM WATER, PARKS, AND WILDLIFE: 11-0-1
YES: Papan, Jeff Gonzalez, Alanis, Alvarez, Ávila Farías, Bennett, Boerner, Caloza, Hart, Celeste Rodriguez, Rogers
ABS, ABST OR NV: Bains

ASM APPROPRIATIONS: 15-0-0
YES: Wicks, Hoover, Arambula, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

UPDATED

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