



## Senate Bill 1062: Western Joshua Tree Conservation Act Project-Specific Permit Conditions

### **Summary**

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Senate Bill 1062 clarifies that the California Department of Fish and Wildlife (CDFW) may grant project-specific take permit conditions to state and local public agencies for projects related to life-sustaining services. These conditions may include project-wide avoidance and minimization measures, reductions or waivers of in-lieu mitigation fees, and any other compliance flexibilities CDFW deems appropriate to facilitate timely and cost-effective construction.

This bill aligns statutory authority in the Western Joshua Tree Conservation Act (WJTCA) with the approach already reflected in the Western Joshua Tree Conservation Plan (WJTCP) developed by CDFW, ensuring consistency between statute and implementation.

### **Background**

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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.

Rather than imposing inflexible conditions that penalize necessary infrastructure work, state law should facilitate collaboration between agencies and CDFW to develop workable, affordable solutions that balance the conservation goals of the WJTCA with critical infrastructure needs, particularly in rural areas.

### **Existing Law**

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Current law allows limited delegation of permitting authority to local governments for certain project types but does not clearly authorize project-specific permit conditions for life-sustaining infrastructure projects. As a result, CDFW lacks explicit statutory discretion to establish narrowed project-wide avoidance and minimization standards, reduce in-lieu mitigation fees, or grant other concessions for essential services needed to sustain human life.

### **Solution**

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SB 1062 clarifies state law to explicitly authorize CDFW to issue permits with project-specific conditions to public agencies for projects related to life-sustaining services. By allowing CDFW to streamline permitting and establish a single, project-wide mitigation framework, this bill lowers operational costs for agencies and helps maintain reliable, affordable essential services for customers.

### **For More Information**

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Bill text and status can be found at <http://leginfo.legislature.ca.gov/>