



New Requirements concerning Western Joshua Tree

The purpose of this advisory is to outline the new State regulation related to the most recent tentative listing of the Joshua tree (*Yucca brevifolia*), also referred to as the *Western Joshua tree*, as a threatened species under the California Endangered Species Act (CESA). On September 2020, the California Fish and Game Commission (the Commission) determined that the listing of the Joshua tree as a threatened species under the CESA may be warranted. As a result, the Joshua tree is now considered as a *candidate species* under the CESA, and the California Department of Fish and Wildlife (CDFW) is undertaking a one-year review of the species' status. Once this review has been completed, the Commission will make a final decision. Until the Commission makes a final determination, the Joshua tree will be considered a candidate species and will be protected under CESA pursuant to Section 2085 of the Fish and Game Code.

Under Section 2084, the CDFW is considering procedures for smaller, ministerial (non-discretionary) projects that may otherwise be allowed to proceed without implementing any Joshua tree protections. These projects consist of smaller projects such as single-family residences, accessory structures, or public works projects with one or more western Joshua trees on site.

Subdivisions, commercial developments, or other types of developments that are subject to discretionary action (Planning Commission and/or City Council approvals) will be required to undergo individual consultation with CDFW on any potential impact to western Joshua trees and associated *take* authorization. A *take* is any activity that "results in the removal of a Joshua tree, or any part thereof" as part of any future potential development. For those development projects where one or more Joshua trees will be removed, CESA authorization must be obtained from CDFW prior to any such impact. These projects involving the removal or incidental take of a Joshua tree, must obtain an Incidental Take Permit (ITP) from CDFW. Permits allowing the removal of a dead western Joshua tree or the trimming of a western Joshua tree may also be issued by CDFW under limited circumstances.

The ITP process requires preparation of an application and payment of fees. The application requires several elements described in the ITP regulations including analysis of project impacts, mitigation measures, funding, and other elements. The preparation of an ITP application and related mitigation often requires biological studies and professional consultation services. Mitigation will vary from project to project though changes could include project revisions to reduce or minimize impacts on-site, and compensatory off-site mitigation to acquire, conserve, and manage western Joshua trees and their associated habitat. Before CDFW may issue an ITP, compliance with the CEQA is required. The regulations may be viewed online at <https://wildlife.ca.gov/Conservation/CESA/Permitting/Incidental-Take-Permits>

Please Note: Although the CEQA process must be completed before applying for an ITP through CDFW, additional studies and analysis of the Joshua Trees on a project site may be required by CDFW before an ITP is issued.

If you have any questions, please contact:
Mary Blais, Planning Consultant, City of Adelanto, Planning Division
11600 Air Expressway
Adelanto, California 92301
(760) 246-2300