



**CITY OF ADELANTO**  
**PLANNING & LAND USE ADVISORY –**  
**MARCH 13, 2021 (REV 1.24.22)**

**New Requirements Concerning Western Joshua Tree &  
Interim Local Policy & Procedures For The 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), and therefore the California Environmental Quality Act, 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>.

## **WESTERN JOSHUA TREE ADVISORY**

REVISED 1/24/22

### Interim Local Policy & Procedures For The Western Joshua Tree Disturbance Not Associated with A Development Project

#### **Proposed WJT Disturbance Not Associated with a Development Project**

Because of the public health and safety hazard that may be presented by dead or weakened Western Joshua Trees in public rights-of-way or near structures, the California Fish and Game Commission recently created a special order allowing incidental take of WJT during the CESA candidacy review period for activities that meet certain conditions ([Section 749.11, Title 14, California Code of Regulations \(CCR\)](#)). These emergency regulations are effective January 7, 2021, through April 2022, or as may be further extended by CDFW.

Under the emergency regulations, **CDFW can issue permits** allowing the removal of a dead WJT or the trimming of a WJT, without payment of mitigation fees or other mitigation, if:

- The dead WJT has fallen over and is within 30' of an existing structure.
- Limb(s) have fallen over
- The dead WJT or limb(s) are leaning against an existing structure; and
- The dead WJT or limb(s) creates an imminent threat to public health or safety.

**Under such circumstances, a permit can be obtained from CDFW by emailing or mailing an application, pictures and other documentation as may be needed to CDFW.**

Additional information together with the permit and submittal instructions is located on the California Department of Fish and Wildlife website: [wildlife.ca.gov/Conservation/CESA/WJT](http://wildlife.ca.gov/Conservation/CESA/WJT)

Question or comments may be directed to the California Department of Fish and Wildlife at (909) 484-0167 or [WJT@wildlife.ca.gov](mailto:WJT@wildlife.ca.gov).

**If you have any questions, please contact:**  
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