



Western Joshua Tree Policy & Information Handout

1.0 PURPOSE

The purpose of this Information Handout is to clarify the requirements related to work conducted on a site that may contain the western Joshua tree (*Yucca brevifolia*).

2.0 BACKGROUND

On September 22, 2020, the California Fish and Game Commission accepted for consideration a petition to list the western Joshua tree as a threatened or endangered species in the state of California. The western Joshua tree is now considered a candidate for listing. While the candidacy is under review by the state, the western Joshua tree will be protected as if it were a threatened or endangered species under the California Endangered Species Act (CESA). Under CESA, it is illegal to import, export, "take", possess, purchase, sell, or attempt to do any of those actions to species that are designated as threatened, endangered, or candidates for listing, unless authorized by permit by the California Department of Fish and Wildlife. With respect to the western Joshua tree, removal of a tree, or any part thereof, or impacts the seedbank surrounding one or more trees may result in "take" of the species which is prohibited by State law unless otherwise authorized. During this time, the Town of Yucca Valley cannot issue a permit to take (by removal, transplant, trimming or impacting any part of) any western Joshua tree.

3.0 DETERMINATION OF AVOIDANCE

Upon application for a ground disturbing building permit, a determination of avoidance of the Western Joshua Tree will be required prior to proceeding with the project.

All ground disturbing, ministerial building permit applications require a Report by a Desert Native Plant Specialist, Pre-Site Inspection prior to permitted construction activity, and re-certification of Report by a Desert Native Plant Specialist that the permitted ground disturbing activity was completed in conformance with the approved site plan and did not impact the Western Joshua Trees, prior to final inspection.

The responsible representative of the project must attend an in-office meeting with Town staff and confirm receipt and understanding of all State laws and Town regulations pertaining to the ground disturbing project activity. Meeting to be scheduled concurrent with permit issuance.

4.0 PRE-SITE INSPECTION PROCESS

A pre-site inspection will be performed by Building and Safety staff prior to commencement of permitted construction activity. The fee for this inspection is currently **\$115.50**. A Building Inspector will visit the site and verify that the staking for the project is consistent with the Report by a Desert Native Plant Specialist and the approved site plan.

Building permit applications for sewer connections are exempt from pre-site inspection and pre-site inspection fees.

5.0 REPORT BY A DESERT NATIVE PLANT SPECIALIST

An applicant shall submit a report, prepared by a Desert Native Plant Specialist, to document avoidance of western Joshua tree take by the project. The report must include a site plan, drawn to scale, showing the location of proposed grading/construction and all existing western Joshua trees, with photos showing all western Joshua trees in relation to the proposed grading/construction. The report must contain the findings and avoidance recommendations of the Desert Native Plant Specialist, as well as a signature and all pertinent license/qualifications information.

5.1 REQUIRED FINDINGS

Clear Avoidance: Desert Native Plant Specialist determined that no western Joshua trees will be affected by the proposed grading/construction. For the Desert Native Plant Specialist to make this determination, there must be a forty (40) foot clearance between the area of disturbance and the trunk of any western Joshua tree.

Expert Determination of Avoidance: Desert Native Plant Specialist found that the proposed grading/construction is within forty (40) feet of a western Joshua tree, a determination from a Desert Native Plant Specialist shall be required to attest to and confirm avoidance of the western Joshua tree. The specialist's report may specify protective measures to ensure that the proposed grading/construction will avoid any impact constituting a take of any western Joshua tree.

State Permit Required for Take: If the Desert Native Plant Specialist determines that the proposed grading/construction would require a western Joshua tree take as defined above in 2.0, the project may be redesigned to avoid impact to the tree, or the applicant must obtain an Incidental Take Permit from the California Department of Fish and Wildlife before the project can proceed.

6.0 DEFINITION OF DESERT NATIVE PLANT SPECIALIST

A Desert Native Plant Specialist includes the following:

- a) A certified arborist;
- b) An individual with a four-year college degree in ecology or fish and wildlife related biological science and at least two years of professional experience with relocation or restoration native California desert vegetation; or

- c) An individual with at least five years professional experience with relocation or restoration of native California desert vegetation. Examples: Full-time professional nursery or landscape professional experience with native California desert plants, including western Joshua trees.

7.0 QUESTIONS AND COMMENTS

All inquiries about the protected status and take permits should be directed to the California Department of Fish and Wildlife: AskRegion6@wildlife.ca.gov