

ENVIRONMENTAL STUDIES

-

Biological Resources Assessment +
Western Joshua Tree Census and
Protected Plant Plan

GENERAL BIOLOGICAL RESOURCES ASSESSMENT

**SAN BERNARDINO COUNTY, CALIFORNIA
(APN: 0588-021, 28 & 29)**

Prepared for:

High Desert Center LLC

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1.0 INTRODUCTION AND SUMMARY

Biological surveys were conducted on a 4.7-acre parcel (Approximate), located southwest of the intersection of Pueblo Trail and Chula Vista Ave. in Yucca Valley, California (APN: 0588-021, 28 & 29) (Figures 1 and 2). The property site is located in Section 6, Township 1 South, Range 6 East (USGS Yucca Valley South, CA 7.5-minute quadrangle) (Figures 1 and 2).

As part of the environmental process, California Department of Fish and Wildlife (CDFW) and U.S. Fish and Wildlife Service (USFWS) data sources were reviewed. Following the data review, surveys were performed on the site on October 17 & 21, 2024, during which the biological resources on the site and in the surrounding areas were documented by biologists from RCA Associates, Inc. As part of the surveys, the property and adjoining areas were evaluated for the presence of native habitats which may support populations of sensitive wildlife species. The property was also evaluated for the presence of sensitive habitats including wetlands, vernal pools, riparian habitats, and jurisdictional areas.

Habitat assessments were also conducted for the desert tortoise, and burrowing owl. Based on data from USFWS, CDFW, and a search of the California Natural Diversity Database (CNDDB, 2024). Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2016) and Whitaker (1980).

2.0 EXISTING CONDITIONS

The property is approximately 4.7-acres and located is southwest of the intersection of Pueblo Trail and Chula Vista Ave. in Yucca Valley, California (APN: 0588-021, 28 & 29) (Figures 1 and 2). The property site is located in Section 6, Township 1 South, Range 6 East (USGS Yucca Valley South, CA 7.5-minute quadrangle). The property is located in an area of Yucca Valley that has largely developed residential properties.

The relatively flat site is approximately 1060 meters above sea level. The vegetation community present on site supports a desert scrub habitat encompassing mainly native plants and some non-native grasses. The site is dominated by western Joshua tree (*Yucca brevifolia*), common fiddleneck (*Amsinckia intermedia*), mojave yucca (*Yucca schidigera*), cheat grass (*Bromus tectorum*), strawberry hedgehog cactus (*Echinocereus engelmannii*), california buckwheat (*Eriogonum fasciculatum*), chia (*Salvia columbariae*), bladder sage (*Scutellaria mexicana*), and desert trumpet (*Eriogonum inflatum*). Section 5.0 provides a more detailed discussion of the various plant species observed during the surveys.

The site supports a variety of wildlife, with many of them being birds. Only a few mammals, the antelope ground squirrel (*Ammospermophilus leucurus*) and Black-tailed jackrabbit (*Lepus californicus*), were observed on site during the October 2024 field investigation, however the California ground squirrel (*Otospermophilus beecheyi*) is quite common in the area. Other mammals that are expected to occur include desert cottontail (*Sylvilagus audubonii*) and the coyote (*Canis latrans*).

Birds observed included common ravens (*Corvus corax*), cactus wren (*Campylorhynchus brunneicapillus*), Says phoebe (*Sayornis saya*), cooper's hawk (*Astur cooperii*), verdin (*Auriparus flaviceps*) black throated sparrow (*Amphispiza bilineata*), mourning dove (*Zenaida macroura*) and house sparrow (*Passer domesticus*). Section 5.0 provides a more detailed discussion of the various species observed during the surveys.

Only one reptile species, the western whiptail lizard (*Cnemidophorus tigris*), was observed during the field investigations on October 17 & 21, 2024. Some reptiles that may occur on site are the coast horned lizard (*Phrynosoma coronatum*), common side-blotched lizard (*Uta stansburiana*)

and western fence lizard (*S. occidentalis*) which are both common in the area. Table 2 provides a compendium of wildlife species.

In addition, no sensitive habitats (e.g., sensitive species, critical habitats, etc.) have been documented in the immediate area according to the CNDDDB (2024) and none were observed during the field investigations.

3.0 METHODOLOGIES

General biological surveys were conducted on October 17 & 21, 2024, during which biologists from RCA Associates, Inc. initially walked meandering transects throughout the property. During the surveys, data was collected on the plant and animal species present on the site. All plants and animals detected during the surveys were recorded and are provided in Tables 1 & 2 (Appendix A). The property was also evaluated for the presence of habitats which might support sensitive species. Scientific nomenclature for this report is based on the following references: Hickman (1993), Munz (1974), Stebbins (2003), Sibley (2016) and Whitaker (1980). Following completion of the initial reconnaissance survey, habitat assessments were conducted for the desert tortoise and burrowing owl. Weather conditions consisted of wind speeds of 0 to 5 mph, temperatures in the low 70's (°F) (AM), and 0% cloud cover. The applicable methodologies are summarized below.

General Plant and Animal Surveys: Meandering transects were walked on the site and in surrounding areas (i.e., the zone of influence) where accessible at a pace that allowed for careful documentation of the plant and animal species present on the site. All plants observed were identified in the field or sampled and brought back for further identification. Wildlife was identified through visual observations and/or by vocalizations. Habitat assessments were conducted for the desert tortoise and burrowing owl. Tables 1 and 2 (Appendix A) provide a comprehensive compendium of the various plant and animal species observed during the field investigations.

4.0 LITERATURE SEARCH

As part of the environmental process, a search of the California Natural Diversity Database (CNDDDB) search was performed. Based on this review, it was determined that eight special status species have been documented within the Yucca Valley South quadrangle of the property, eleven wildlife species and four plant species. The following tables provide data on each special status species which has been documented in the area.

Table 4-1: Federal and State Listed Species and State Species of Special Concern.

E = Endangered; T = Threatened; SSC = Species of special concern; CNPS = California Native Plant Society; CNDDDB = California Natural Diversity Data Base

NAME	STATUS	HABITAT REQUIREMENTS	PRESENCE/ ABSENCE ON PROPERTY
PLANTS			
Within Yucca Valley South Quadrangle			
Triple-ribbed milk-vetch (<i>Astragalus tricarinatus</i>)	Federal: Endangered State: None CNPS: 1B.2	Joshua tree woodland. Grows in desert scrub and expanses of rock litter in sandy and gravelly soils.	The site does not have suitable habitat and none were observed on site.
Parish's daisy (<i>Erigeron parishii</i>)	Federal: Threatened State: None CNPS: 1B.1	Creosote Bush Scrub	The site does not support suitable habitat for the species. None were observed during the field investigations.
Little San Bernardino Mtns. Linanthus (<i>Linanthus maculatus ssp.</i> <i>Maculatus</i>)	Federal: None State: None CNPS: 1B.2	Highlands and mountainous regions	No suitable habitat and species was not observed during the survey.
Latimer's woodland-gilia (<i>Saltugilia latimeri</i>)	Federal: None State: None CNPS: 1B.2	dry rocky and sandy desert canyons	No suitable habitat, and species was not observed during the survey.

Notes:

Status abbreviations:

- CNPS List 1A: Plants presumed extirpated in California and either rare or extinct elsewhere
- CNPS List 1B: Plants rare, threatened, or endangered in California and elsewhere
- CNPS List 2A: Plants presumed extirpated in California, but more common somewhere else
- CNPS List 2B: Plants rare, threatened, or endangered in California, but more common somewhere else
- CNPS List 3: Plants about which more information is needed - a review list
- CNPS List 4: Plants of limited distribution - a watch list
 - .1 Seriously threatened in California (over 80% of occurrences threatened/ high degree and immediacy of threat)
 - .2 Moderately threatened in California (20-80% occurrences threatened/ moderate degree and immediacy of threat)
 - .3 No very threatened in California (<20% of occurrences threatened/ low degree and immediacy of threat or no current threats known)

Table 4-2: Special status wildlife and insects documented in the region (Source: CNDDDB, 2024) or likely to occur in the region.

NAME	STATUS	HABITAT REQUIREMENTS	PRESENCE/ABSENCE ON PROPERTY
ANIMAL			
Within Yucca Valley South Quadrangle			
Desert tortoise (<i>Gopherus agassizii</i>)	Federal: Threatened State: Threatened	Most common in desert scrub, desert wash, and Joshua tree habitats; occurs in almost every desert habitat often in creosote bush scrub.	The site supports marginal suitable habitat. However, no signs or observations occurred during the field investigations. Nor were any potentially suitable burrows found.
Southern California legless lizard (<i>Anniella stebbinsi</i>)	Federal: None State: None CDFW: SSC	Found in coastal sand dunes, sandy washes, and alluvial fans in moist warm loose soil with plant cover in sparsely vegetated areas.	No suitable habitat, none observed on site.
Pallid San Diego pocket mouse (<i>Chaetodipus fallax pallidus</i>)	Federal: None State: None CDFW: SSC	Variety of temperate and arid habitats, through coastal sage and deserts of Baja California	No suitable habitat, none observed on site.
Crotch's bumble bee (<i>Bombus crotchii</i>)	Federal: None State: Candidate Endangered	Coastal California east to the Sierra-Cascade crest and south into Mexico.	No suitable habitat and species was not observed during the survey.
Red diamond rattlesnake (<i>Crotalus ruber</i>)	Federal: None State: None CDFW: SSC	Occurs in rocky areas and dense vegetation. Needs rodent burrows, cracks in rocks or surface cover objects.	No suitable habitat and species was not observed during the survey.
Western yellow bat (<i>Lasiurus xanthinus</i>)	Federal: None State: None CDFW: SSC	Found in valley foothill riparian, desert riparian, desert wash, and palm oasis habitats.	No suitable habitat and species was not observed during the survey.
Coast horned lizard (<i>Phrynosoma blainvillii</i>)	Federal: None State: None	Inhabits open areas of sandy soils and low vegetation in valleys, foothills, and semiarid mountains	No suitable habitat and species was not observed during the survey.
Desert Bighorn Sheep (<i>Ovis canadensis nelsoni</i>)	Federal: None State: None CDFW: Fully protected	Rugged open habitat, rocky slopes and cliffs, canyons, washes, and alluvial fans	No suitable habitat and species was not observed during the survey.
Yellow Warbler (<i>Setophaga petechia</i>)	Federal: None State: None CDFW: SSC	Frequently found nesting and foraging in willow shrubs and thickets, and in other riparian plants including cottonwoods, sycamores, ash, and alders.	No suitable habitat and species was not observed during the survey.
Least bell's vireo (<i>Vireo bellii pusillus</i>)	Federal: Endangered State: Endangered	Nests placed along margins of bushes or on twigs projecting into pathways, usually willow, Baccharis, mesquite. Requires riparian habitat.	No suitable habitat and species was not observed during the survey.
Le Conte's thrasher (<i>Toxostoma lecontei</i>)	Federal: None State: None CDFW: SSC	Commonly nests in a dense, spiny shrub or densely branched cactus in desert wash habitat, usually 2-8 feet above ground.	Site does support minimal suitable habitat for the species; and no thrashers were observed during the field survey.

Notes:

Status abbreviations:

SSC: Species of Special Concern

CDFW: California Department of Fish and Wildlife

5.0 RESULTS

5.1 General Biological Resources

The site supports a disturbed desert scrub plant community that is dominated by desert scrub and non-native grasses. Species present include western Joshua tree (*Yucca brevifolia*), common fiddleneck (*Amsinckia intermedia*), mojave yucca (*Yucca schidigera*), cheat grass (*Bromus tectorum*), strawberry hedgehog cactus (*Echinocereus engelmannii*), california buckwheat (*Eriogonum fasciculatum*), chia (*Salvia columbariae*), bladder sage (*Scutellaria mexicana*), and desert trumpet (*Eriogonum inflatum*). Table 1 provides a compendium of all plants occurring on the site and/or in the immediate surrounding area.

Birds observed included common ravens (*Corvus corax*), cactus wren (*Campylorhynchus brunneicapillus*), Says phoebe (*Sayornis saya*), cooper's hawk (*Astur cooperii*), verdin (*Auriparus flaviceps*) black throated sparrow (*Amphispiza bilineata*), mourning dove (*Zenaida macroura*) and house sparrow (*Passer domesticus*). The only mammals observed on site during the October 2024 field survey was the antelope ground squirrel (*Ammospermophilus leucurus*) and Black-tailed jackrabbit (*Lepus californicus*). Other mammals such as the California ground squirrel (*Otospermophilus beecheyi*), coyote (*Canis latrans*) and desert cottontail (*Sylvilagus audubonii*) are common in the area and are expected to occur on site. The only reptiles observed on site was the western whiptail lizard (*Cnemidophorus tigris*) but some that are common in the region include the western fence lizard (*S. occidentalis*), common side-blotched lizard (*Uta stansburiana*) and coast horned (*Phrynosoma coronatum*). Tables 1 and 2 (Appendix A) provide a compendium of the various plant and animal species identified during the field investigations and those common to the area. No distinct wildlife corridors were identified on the site or in the immediate area.

No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.

5.2 Federal and State Listed Species

The following are the listed and special status species that have the ability to occur on the project site or which are present. However, it is not a comprehensive list of all the special status species which have been documented in the immediate region (CNDDDB, 2024).

Desert Tortoise: The site is located within the documented tortoise habitat according to CNDDDB (CNDDDB, 2024). The property supports minimal suitable habitat for the desert tortoise; however, no tortoises or tortoise signs (burrows, scats, etc.) were observed anywhere within the property boundaries or in the zone of influence during the October 17, 2024, surveys. Based on the results of the survey, lack of suitable burrow and signs, tortoises are not expected to move onto the site in the near future.

5.3 Species of Special Concern

The following is a list of special status wildlife species which have been documented in the region; however, only a few of these species could potentially occur on the site. Several of the species are not expected to occur on the property due to absence of suitable habitat but are included for clarity.

Coast horned lizard: Coast horned lizard have been documented in the region and the species has a wide range within the California deserts. The use of the site by coast horned lizards may be very infrequent given the low population levels in the region as well as the lack of any recent sightings in the immediate region according to the CNDDDB (2024).

5.4 Jurisdictional Waters and Riparian Habitat

The following sources were reviewed to determine the potential presence or absence of jurisdictional streams/drainages, wetlands, and their location within the watersheds associated with the Project site, and other features that might contribute to federal or state jurisdictional authority located within watersheds associated with the Project site:

- National Wetlands Inventory (NWI) maps (USFWS 2018b). The NWI database indicates potential wetland areas based on changes in vegetation patterns as observed from satellite imagery. This database is used as a preliminary indicator of wetland habitats because the satellite data are not precise;

- USGS National Hydrography Dataset (NHD) provides the locations of “blue-line” streams as mapped on 7.5-Minute Topographic Map coverage;
- Aerial Imagery (Google Earth) (Google 2024);
- USGS 7.5-Minute Topographic Maps; and
- Natural Resources Conservation Service (NRCS) Soil Survey.

Assessments of potential jurisdictional areas within the Project site were conducted by RCA Associates, Inc. biologists Ryan D. Hunter on October 21, 2024, to determine the current site conditions. All areas with potential depressions or drainages were evaluated to determine if they may be considered jurisdictional waters, including jurisdictional wetlands. The site does not contain any potential channel based on the absence of any clear-cut banks or visible streambeds.

It is the opinion of RCA Associates, Inc. that a comprehensive jurisdictional delineation will not be necessary in the future.

5.5 Protected Plants

As of July 10, 2023, California legislature passed and signed the Western Joshua Tree Conservation Act (WJTCA, Senate Bill 122) into effect listing the western Joshua tree (*Yucca brevifolia*) as an endangered species. The WJTCA authorizes CDFW to oversee the various permitting processes dealing with mitigation and/or removal of western Joshua trees. Joshua Trees were observed on the October 2024 field investigation. Therefore, any attempt to remove a Joshua tree from its current position dead or alive will require a California Endangered Species Act Incidental Take Permit (CESA, ITP) or a Western Joshua Tree Conservation Act Incidental Take Permit (WJTCA, ITP). Project proponent has indicated that all western Joshua tree will be avoided during construction phases.

6.0 IMPACTS AND MITIGATION MEASURES

6.1 General Biological Resources

Future development of the site will have minimal impact on the general biological resources present on site, because similar vegetation is abundant in the surrounding areas and there are no

critical habitats present on site. The site is expected to support various wildlife species which will be impacted by development activities. Those species with limited mobility (i.e., small mammals and reptiles) will experience increases in mortality during the construction phase. However, more mobile species (i.e., birds, large mammals) will be displaced into adjacent areas and will likely experience minimal impacts. Therefore, loss of about 4.7-acres of a relatively desert scrub habitat is not expected to have a significant cumulative impact on the overall biological resources in the region given the presence of similar habitat throughout the surrounding area. No sensitive habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were observed on the site during the field investigations.

6.2 Federal and State Listed and Species of Special Concern

No federal or State-listed species were observed on the site during the field investigations including the desert tortoise, also no species of special concern were observed on site such as the burrowing owl. In addition, there are no documented observations of these species either on the site or in the immediate area. The site is not expected to support populations of the desert tortoise based on the absence of habitat, suitable burrows, or signs. Only the Western Joshua tree was observed on site during the field investigation. Please refer to section 5.5.

7.0 CONCLUSIONS AND CONSIDERATIONS

Future development activities include development of the property within the approximate 4.7-acre parcel; however, cumulative impacts to the general biological resources (plants and animals) on site are expected to be negligible. This assumption is based on the suitable habitat located in the surrounding areas of the region. In addition, future development activities are not expected to have any impact on any State or Federal listed or State special status species except for the Western Joshua Tree. Construction activities will be limited to a previously developed area and will avoid any western Joshua tree by 50 feet thus having minimal impact on the species. As discussed above, the site does not support any desert tortoises. In addition, burrowing owls do not inhabit the site and are not expected to be impacted given the absence of any potential or active burrows. Some mitigation measures that may be considered are:

1. Pre-construction surveys for burrowing owls, desert tortoise, and nesting birds protected under the Migratory Bird Treaty Act and Section 3503 of the California Fish and Wildlife Code may be required prior to the commencement of Project-related ground disturbance by the lead agency.
 - a. Appropriate survey methods and timeframes may be established, to ensure that chances of detecting the target species are maximized. In the event that a listed species, such as the desert tortoise, are encountered, authorization from the USFWS and CDFW must be obtained. If nesting birds are detected, avoidance measures may be implemented to ensure that nests are not disturbed until after young have fledged.
 - b. If pre-construction surveys are required, the survey area will encompass all areas within the potential footprint of disturbance for the project, as well as a reasonable buffer around these areas.

If any sensitive species are observed on the property during future activities, CDFW and USFWS (as applicable) should be contacted to discuss specific mitigation measures which may be required for the individual species. CDFW and USFWS are the only agencies which can grant authorization for the “take” of any sensitive species and can approve the implementation of any applicable mitigation measures.

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CERTIFICATION

I hereby certify that the statements furnished above and in the attached exhibits, presents the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Fieldwork conducted for this assessment was performed by Ryan D. Hunter and Brian S. Bunyi. I certify that I have not signed a non-disclosure or consultant confidentiality agreement with the project applicant or applicant’s representative and that I have no financial interest in the project.

Date: 11/17/2024 Signed: *Ryan D. Hunter*
Brian S. Bunyi

Field Work Performed By: Ryan D. Hunter
Principal Environmental Scientist/Biologist

Field Work Performed By: Brian S. Bunyi
Environmental Scientist/Wildlife Biologist

Appendix A
Tables and Figures



Legend


 Project Boundary



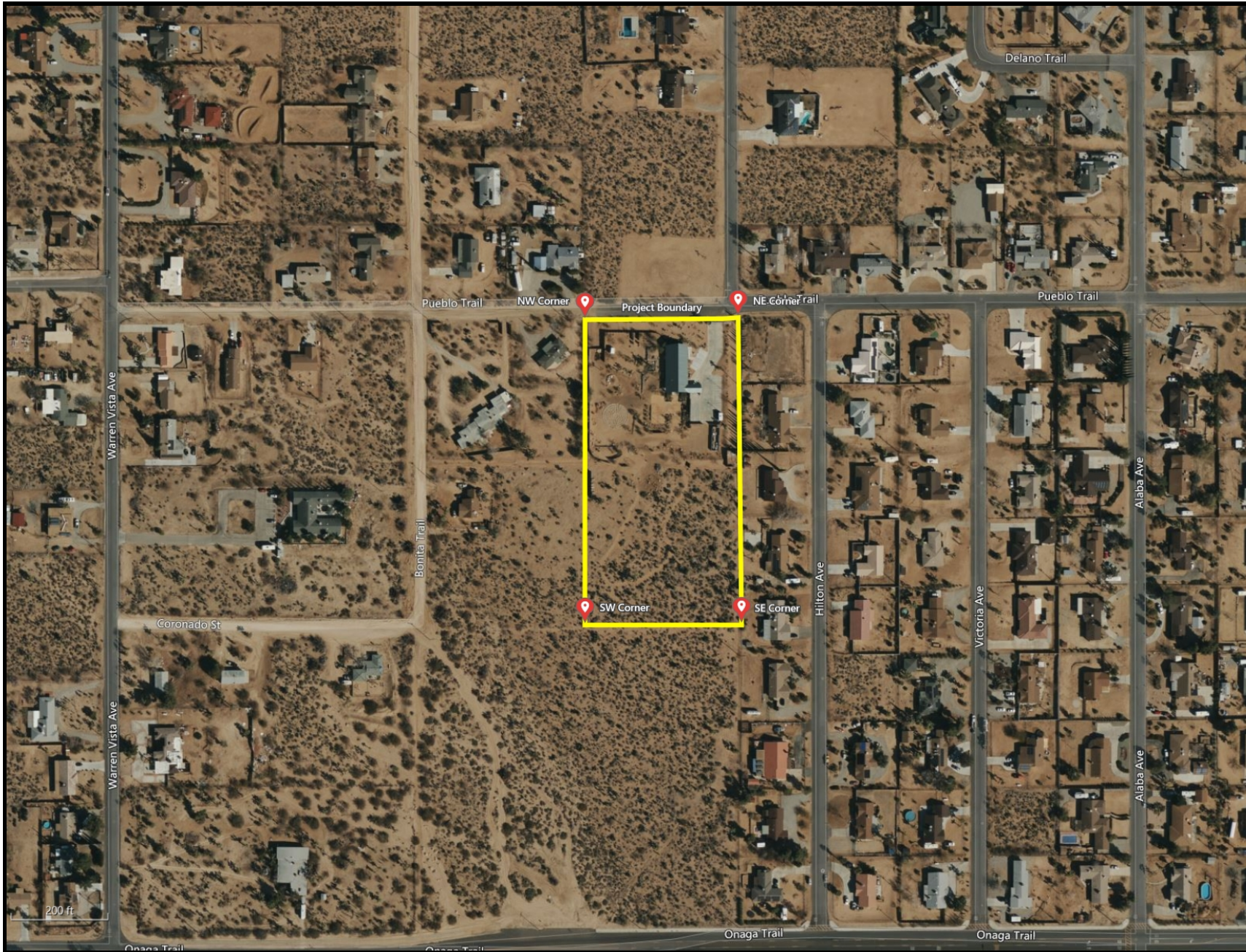
Figure 1: Regional Exhibit

Produced By: RCA Associates Inc.

SW of the Intersection of Pueblo Trail and Chula Vista Ave. in Yucca Valley, CA.

Source:	Uinta Software
Acreeage:	4.7-acres (Approximately)
Project #:	2025-89





Legend



-  Project Boundary
-  Site Corners



Figure 2: Vicinity Exhibit

Produced By: RCA Associates Inc.

SW of the Intersection of Pueblo Trail and Chula Vista Ave. in Yucca Valley, CA.

Source:	Uinta Software
Acreeage:	4.7-acres (Approximately)
Project #:	2025-89



CENTER OF SITE LOOKING NORTH



CENTER OF SITE LOOKING EAST



FIGURE 3: PHOTOGRAPHS OF SITE

CENTER OF SITE LOOKING SOUTH



CENTER OF SITE LOOKING WEST



FIGURE 3, cont: PHOTOGRAPHS OF SITE

Table 1 - Plants observed on the site and known to occur in the immediate surrounding area.

Common Name	Scientific Name	Location
Creosote bush	<i>Larrea tridentata</i>	On Site
Asian mustard	<i>Brassica tournefortii</i>	“
Western Joshua tree	<i>Yucca brevifolia</i>	“
Fiddleneck	<i>Amsinckia intermedia</i>	“
Red brome	<i>Bromus madritensis</i>	“
Desert trumpet	<i>Eriogonum inflatum</i>	“
Desert globe mallow	<i>Sphaeralcea ambigua</i>	“
Coyote melon	<i>Cucurbita palmata</i>	“
Mohave cotton thorn	<i>Tetradymia stenolepis</i>	“
Rattlesnake weed	<i>Euphorbia albomarginata</i>	“
Blackbrush	<i>Coleogyne ramosissima</i>	“
Pencil cholla	<i>Cylindropuntia leptocaulis</i>	“
Silver cholla	<i>Cylindropuntia echinocarpa</i>	“
Chia	<i>Salvia columbariae</i>	“
California buckwheat	<i>Eriogonum fasciculatum</i>	“
Nevada jointfir	<i>Ephedra nevadensis</i>	“
Desert wholly star	<i>Eriastrum Eremicum</i>	“
Strawberry hedgehog cactus	<i>Echinocereus engelmannii</i>	“
Waterjacket	<i>Lycium andersonii</i>	“
Beavertail cactus	<i>Opuntia basilaris</i>	“
Turpentine broom	<i>Thamnosma montana</i>	“
Cheatgrass	<i>Bromus tectorum</i>	“
Mojave yucca	<i>Yucca schidigera</i>	“
Bladder sage	<i>Scutellaria mexicana</i>	“
Common stork’s bill	<i>Erodium cicutarium</i>	“
Kelch grass	<i>Schismus barbatus</i>	“
Tumbleweed	<i>Kali tragus var. tragus</i>	“

Table 2 - Wildlife observed on the site during the field investigations.

Common Name	Scientific Name	Location
Common raven	<i>Corvus corax</i>	On-site and in the surrounding area.
Cooper’s hawk	<i>Astur cooperii</i>	“
Gamble’s quail	<i>Callipepla gambelii</i>	“
Anna’s hummingbird	<i>Calypte anna</i>	“
White crowned sparrow	<i>Zonotrichia leucophrys</i>	“
Say’s phoebe	<i>Sayornis saya</i>	“
Verdin	<i>Auriparus flaviceps</i>	“
House finch	<i>Haemorhous mexicanus</i>	“
House sparrow	<i>Passer domesticus</i>	“
Cactus wren	<i>Campylorhynchus brunneicapillus</i>	“
Black throated sparrow	<i>Amphispiza bilineata</i>	“
Black tailed jack rabbit	<i>Lepus californicus</i>	“
Antelope ground squirrel	<i>Ammospermophilus leucurus</i>	“
Common side blotched lizard	<i>Uta stansburiana</i>	“
Western whiptail lizard	<i>Cnemidophorus tigris</i>	“

Note: The above Table is not a comprehensive list of every animal species which may occur in the area, but is a list of those common species which were identified on the site or which have been observed in the region by biologists from RCA Associates, Inc.

REGULATORY CONTEXT

The following provides a summary of federal and state regulatory jurisdiction over biological and wetland resources. Although most of these regulations do not directly apply to the site, given the general lack of sensitive resources, they provide important background information.

Federal Endangered Species Act

The USFWS has jurisdiction over federally listed threatened and endangered plant and animal species. The federal Endangered Species Act (ESA) and its implementing regulations prohibit the take of any fish or wildlife species that is federally listed as threatened or endangered without prior approval pursuant to either Section 7 or Section 10 of the ESA. ESA defines “take” as “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Federal regulation 50CFR17.3 defines the term “harass” as an intentional or negligent act that creates the likelihood of injuring wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns such as breeding, feeding, or sheltering (50CFR17.3). Furthermore, federal regulation 50CFR17.3 defines “harm” as an act that either kills or injures a listed species. By definition, “harm” includes habitat modification or degradation that actually kills or injures a listed species by significantly impairing essential behavior patterns such as breeding, spawning, rearing, migrating, feeding, or sheltering (50CFR217.12).

Section 10(a) of the ESA establishes a process for obtaining an incidental take permit that authorizes nonfederal entities to incidentally take federally listed wildlife or fish. Incidental take is defined by ESA as take that is “incidental to, and not the purpose of, the carrying out of another wise lawful activity.” Preparation of a habitat conservation plan, generally referred to as an HCP, is required for all Section 10(a) permit applications. The USFWS and National Oceanic and Atmospheric Administration’s National Marine Fisheries Service (NOAA Fisheries Service) have joint authority under the ESA for administering the incidental take program. NOAA Fisheries Service has jurisdiction over anadromous fish species and USFWS has jurisdiction over all other fish and wildlife species.

Section 7 of the ESA requires all federal agencies to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any species listed under the ESA, or result in the destruction or adverse modification of its habitat. Federal agencies are also required

to minimize impacts to all listed species resulting from their actions, including issuance or permits or funding. Section 7 requires consideration of the indirect effects of a project, effects on federally listed plants, and effects on critical habitat (ESA requires that the USFWS identify critical habitat to the maximum extent that it is prudent and determinable when a species is listed as threatened or endangered). This consultation results in a Biological Opinion prepared by the USFWS stating whether implementation of the HCP will result in jeopardy to any HCP Covered Species or will adversely modify critical habitat and the measures necessary to avoid or minimize effects to listed species.

Although federally listed animals are legally protected from harm no matter where they occur, section 9 of the ESA provides protection for endangered plants by prohibiting the malicious destruction on federal land and other “take” that violates State law. Protection for plants not living on federal lands is provided by the California Endangered Species Act.

California Endangered Species Act

CDFW has jurisdiction over species listed as threatened or endangered under Section 2080 of the California Fish and Wildlife Code. Section 2080 prohibits the take of a species listed by CDFW as threatened or endangered. The state definition of take is similar to the federal definition, except that Section 2080 does not prohibit indirect harm to listed species by way of habitat modification. To qualify as take under the state ESA, an action must have direct, demonstrable detrimental effect on individuals of the species. Impacts on habitat that may ultimately result in effects on individuals are not considered take under the state ESA but can be considered take under the federal ESA.

Proponents of a project affecting a state-listed species must consult with CDFW and enter into a management agreement and take permit under Section 2081. The state ESA consultation process is similar to the federal process. California ESA does not require preparation of a state biological assessment; the federal biological assessment and the CEQA analysis or any other relevant information can provide the basis for consultation. California ESA requires that CDFW coordinate consultation for joint federally listed and state-listed species to the extent possible; generally, the state opinion for the listed species is brief and references provisions under the federal opinion.

Clean Water Act, Section 404

The COE and the U.S. Environmental Protection Agency regulate the placement of dredged or fill material into “Waters of the United States” under Section 404 of the Clean Water Act. Waters of the United States include lakes, rivers, streams, and their tributaries, and wetlands. Wetlands are defined for regulatory purposes as “areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 Code of Federal Regulations [CFR] 328.3, 40 CFR 230.3).

The COE may issue either individual permits on a case-by-case basis or general permits on a program level. General permits are pre-authorized and are issued to cover similar activities that are expected to cause only minimal adverse environmental effects. Nationwide permits (NWP’s) are general permits issued to cover particular fill activities. All NWP’s have general conditions that must be met for the permits to apply to a particular project, as well as specific conditions that apply to each NWP.

Clean Water Act, Section 401

Section 401 of the Clean Water Act requires water quality certification and authorization of placement of dredged or fill material in wetlands and Other Waters of the United States. In accordance with Section 401 of the Clean Water Act, criteria for allowable discharges into surface waters have been developed by the State Water Resources Control Board, Division of Water Quality. As such, proponents of any new project which may impair water quality as a result of the project are required to create a post construction stormwater management plan to ensure offsite water quality is not degraded. The resulting requirements are used as criteria in granting National Pollution Discharge Elimination System (NPDES) permits or waivers, which are obtained through the Lahontan Regional Water Quality Control Board (RWQCB). Any activity or facility that will discharge waste (such as soils from construction) into surface waters, or from which waste may be discharged, must obtain an NPDES permit or waiver from the RWQCB. The RWQCB evaluates an NPDES permit application to determine whether the proposed discharge is consistent with the adopted water quality objectives of the basin plan.

California Fish and Wildlife Code, Sections 1600-1616

Under the California Fish and Wildlife Code, Sections 1600-1616 CDFW regulates projects that divert, obstruct, or change the natural flow or bed, channel, or bank of any river, stream, or lake. Proponents of such projects must notify CDFW and enter into a streambed alteration agreement with them.

Section 1602 of the California Fish and Wildlife Code requires a state or local government agency, public utility, or private entity to notify CDFW before it begins a construction project that will: (1) divert, obstruct, or change the natural flow or the bed, bank, channel, or bank of any river, stream, or lake; (2) use materials from a streambed; or (3) result in the disposal or deposition of debris, waste, or other material containing crumbled, flaked, or ground pavement where it can pass into any river, stream, or lake. Once the notification is filed and determined to be complete, CDFW issues a streambed alteration agreement that contains conditions for construction and operations of the proposed project.

California Fish and Wildlife Code, Section 3503.5

Under the California Fish and Wildlife Code, Section 3503.5, it is unlawful to take, possess, or destroy any birds in the orders Falconiformes (hawks, eagles, and falcons) or Strigiformes (owls). Take would include the disturbance of an active nest resulting in the abandonment or loss of young.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits the taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, or their eggs and nests. As used in the MBTA, the term “take” is defined as “to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill, unless the context otherwise requires.” Most bird species native to North America are covered by this act.

Sensitive Natural Communities

The California Office of Planning and Research and the Office of Permit Assistance (1986) define project effects that substantially diminish habitat for fish, wildlife, or plants, or that disrupt or

divide the physical arrangement of an established community as significant impacts under CEQA. This definition applies to certain natural communities because of their scarcity and ecological values and because the remaining occurrences are vulnerable to elimination. For this study, the term “sensitive natural community” includes those communities that, if eliminated or substantially degraded, would sustain a significant adverse impact as defined under CEQA. Sensitive natural communities are important ecologically because their degradation and destruction could threaten populations of dependent plant and wildlife species and significantly reduce the regional distribution and viability of the community. If the number and extent of sensitive natural communities continue to diminish, the status of rare, threatened, or endangered species could become more precarious, and populations of common species (i.e., not special status species) could become less viable. Loss of sensitive natural communities also can eliminate or reduce important ecosystem functions, such as water filtration by wetlands and bank stabilization by riparian woodlands for example.

Protected Plants

The California Desert Native Plant Act was passed in 1981 to protect non-listed California desert native plants from unlawful harvesting on both public and privately-owned lands. Harvest, transport, sale, or possession of specific native desert plants is prohibited unless a person has a valid permit. The following plants are under the protection of the California Desert Native Plants Act:

- Dalea spinosa (smoketree)
- All species of the genus Prosopis (mesquites)
- All species of the family Agavaceae (century plants, nolinias, yuccas)
- All species of Cactus
- Creosote Rings, ten feet in diameter or greater
- All Joshua Trees

The project would be required to comply with the County of San Bernardino Desert Native Plant Protection Ordinance. The removal of any trees listed under Section 88.01.060 would be required to comply with Section 88.01.050, which requires the project applicant to apply for a Tree or Plant Removal Permit prior to removal from the project site.

APPENDIX B

**County of San Bernardino
Municipal Code: Chapter 18.01.060**

CHAPTER 88.01 PLANT PROTECTION AND MANAGEMENT

Sections:

- 88.01.010 Purpose
- 88.01.020 Applicability
- 88.01.030 Exempt Activities
- 88.01.040 General Permit Application and Review Requirements
- 88.01.050 Native Tree or Plant Removal Permits
- 88.01.060 Desert Native Plant Protection
- 88.01.070 Mountain Forest and Valley Tree Conservation
- 88.01.080 Riparian Plant Conservation
- 88.01.090 Tree Protection from Insects and Disease

88.01.010 Purpose

This Chapter provides regulations and guidelines for the management of plant resources in the unincorporated areas of the County on property or combinations of property under private or public ownership. The intent is to:

- (a) Promote and sustain the health, vigor and productivity of plant life and aesthetic values within the County through appropriate management techniques.
- (b) Conserve the native plant life heritage for the benefit of all, including future generations.
- (c) Protect native trees and plants from indiscriminate removal and to regulate removal activity.
- (d) Provide a uniform standard for appropriate removal of native trees and plants in public and private places and streets to promote conservation of these valuable natural resources.
- (e) Protect and maintain water productivity and quality in local watersheds.
- (f) Preserve habitats for rare, endangered, or threatened plants and to protect animals with limited or specialized habitats.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.020 Applicability

The provisions in this Chapter apply to the removal or relocation of regulated trees or plants and to any encroachment (for example, grading) within the protected zone of a regulated tree or plant on all private land within the unincorporated areas of the County and on public lands owned by the County, unless otherwise specified. Nothing in this Chapter shall relieve nor be interpreted to exempt a development from complying with applicable State or Federal laws and regulations.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.030 Exempt Activities

The provisions in this Chapter, except those of Section 88.01.090 (Tree Protection From Insects and Disease), shall not apply to the removal of regulated trees or plants that may occur in the following situations. Removal actions shall not authorize the removal of perch trees within an identified American Bald Eagle habitat.

- (a) **Timber operations.** Removal as part of a timber operation conducted in compliance with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.).
- (b) **Government owned lands.** Removal from lands owned by the United States, State of California, or local governmental entity, excluding Special Districts (i.e., Special Districts shall be subject to the provisions of this Division.).
- (c) **Public utilities.** Removal by a public utility subject to jurisdiction of the Public Utilities Commission or any other constituted public agency, including franchised cable TV, where to establish or maintain safe operation of facilities under their jurisdiction, trees are pruned, topped, or braced.
- (d) **State agencies.** Removal by, or under the authority of, the State of California:
 - (1) Department of Forestry and Fire Protection.
 - (2) Forest Improvement Program.
 - (3) Agricultural Conservation Program.
- (e) **Government laws.** Removal required by other codes, ordinances, or laws of the County, State, or United States.
- (f) **Emergency.** Removal of native trees and plants that are an immediate threat to the public health, safety, or welfare and that require emergency removal to prevent probable damage to a structure or injury to people or fenced animals.

- (g) **Forest stocking control program.** Removal as part of a stocking control program prepared by a California Registered Professional Forester.
- (h) **Fire hazard reduction program.** Removal as part of a fire hazard reduction program approved by the Fire Chief.
- (i) **Bona fide agricultural activity.** Removal as part of a bona fide agricultural activity, as determined by the Director, which is one of the following:
 - (1) Conducted under a land conservation contract.
 - (2) An existing agricultural activity, including expansions of the activity onto undisturbed contiguous land.
 - (3) A proposed bona fide agricultural activity (i.e., an agricultural activity that is served by a water distribution system adequate for the proper operation of the activity).
 - (A) The Director shall be given 30 days' written notice of the removal describing the:
 - (I) Location of the land.
 - (II) Nature of the proposed activity.
 - (III) Proposed sources of water for the activity.
 - (B) The Director shall notify the landowner in writing before the elapse of the 30-day period if, in the opinion of the Director, the activity is not a bona fide agricultural activity, or else the activity shall be deemed bona fide.
- (j) **Parcel less than 20,000 square feet developed with primary structure.** Removal on parcels that have a net area of 20,000 square feet or less and that are developed with a primary structure, other than a sign structure.
- (k) **Located within 20 feet of permitted structure.** Removal from a parcel of a regulated native plant or tree that is within 20 feet of a structure that was constructed or set down on the parcel under a County development permit.
- (l) **Private fuel wood.** Removal of two or fewer regulated native trees in the Mountain Region or Valley Region per year per acre for private fuel wood purposes. The year shall be measured as the last 12 consecutive months.

- (m) **Oak woodlands.** The following projects shall be exempt from the conditions for mitigating the conversion of oak woodlands required in Subsection 88.01.050(e) (Native Tree or Plant Removal Permits Conditions of approval), below, in compliance with Public Resources Code 21083.4:
- (1) Projects undertaken in compliance with a Natural Community Conservation Plan or subarea plan within a Natural Community Conservation Plan, as approved in compliance with Fish and Game Code Section 2800 *et seq.*, that includes oaks as a covered species or that conserves oak habitat through natural community conservation preserve designation and implementation and mitigation measures that are consistent with this Chapter.
 - (2) Affordable housing projects for lower income households, as defined in Health and Safety Code Section 50079.5, that are located within a city's sphere of influence.
 - (3) Projects on agricultural land within an Agricultural Land Use Zoning District that includes land used to produce or process plant and animal products for commercial purposes.
 - (4) Projects undertaken in compliance with a State agency's regulatory program certified in compliance with Public Resources Code Section 21080.5.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.040 Regulated Trees and Plants and General Permit

- (a) **Regulated trees and plants.** A regulated tree or plant shall be any of the those trees or plants identified in:
- (1) Section 88.01.060(c) (Regulated desert native plants);
 - (2) Section 88.01.070(b) (Regulated trees); or
 - (3) Section 88.01.080(b) (Regulated riparian plants).
- (b) **Permit for removal required.** A Tree or Plant Removal Permit issued in compliance with Section 88.01.050 (Tree or Plant Removal Requirements) shall be required for the removal of regulated tress and plants.
- (c) **Conditions of approval.** The permits required by this Chapter may be subject to conditions imposed by the applicable review authority as identified in Subsection 88.01.050(e) (Tree or Plant Removal Permits - Condition of approval).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.050 Tree or Plant Removal Permits

- (a) **When Tree or Plant Removal Permit required.** A Tree or Plant Removal Permit shall be required for the removal of a regulated tree or plant as identified in this Chapter.
- (1) **Removals in conjunction with land use application or development permit Director approval.** The Director may approve the removal of regulated trees or plants when requested in conjunction with a land use application, a Building Permit, and all other development permits (e.g., Grading Permits, Mobile Home Setdown Permits, etc.). An approved land use application and/or development permit shall be considered to include a Tree or Plant Removal Permit, if the land use application or development permit specifically reviews and approves the removals. The review of a land use application or development permit shall consider and require compliance with this Chapter.
- (2) **Removals not in conjunction with land use application or development permit Director approval.** The Director may approve a Tree or Plant Removal Permit for the removal of regulated trees or plants requested not in conjunction with a land use application or development permit.
- (3) **Removals to mitigate fire hazards Fire Chief approval.** The Fire Chief may approve a Tree or Plant Removal Permit for the removal of regulated trees or plants when requested for the purposes of mitigating fire hazards and independent of a land use application or development permit.
- (b) **Expert certification.** The applicable review authority may require certification from an appropriate arborist, registered professional forester or a Desert Native Plant Expert that the proposed tree removal, replacement, or revegetation activities are appropriate, supportive of a healthy environment, and in compliance with this Chapter. The certification shall include the information in compliance with Department procedures.
- (c) **Preconstruction inspections.** A preconstruction inspection before approval of development permits shall be required in areas with regulated trees or plants to determine the presence of regulated trees and plants. The preconstruction inspection may be combined with any other required inspection.
- (d) **Duration of Tree or Plant Removal Permits.**
- (1) **Removals in conjunction with land use application or development permit.** The duration of a Tree or Plant Removal Permit, when issued in conjunction with a land use application and/or a development permit, shall have the same duration of the associated application or permit, unless otherwise specified.

- (2) **Removals not in conjunction with land use application or development permit.** The applicable review authority shall specify the expiration date for all other Tree or Plant Removal Permits.
- (e) **Conditions of approval.** A Tree or Plant Removal Permit may be subject to the following conditions imposed by the applicable review authority:
- (1) **Types of conditions.** The conditions may specify criteria, methods, and persons authorized to conduct the proposed activities in addition to the requirements in this Chapter.
- (2) **Transplanting or stockpiling.** Where indicated in this Chapter, regulated trees and plants may be required to be transplanted and/or stockpiled for future transplanting.
- (3) **Performance bonds.** The review authority may require the posting and maintenance of a monetary security deposit where necessary to ensure the completion of the required mitigation measures in compliance with Section 86.06.050 (Performance Guarantees).
- (4) **Conversion of oak woodlands.** If a project will result in a conversion of oak woodlands that will have a significant effect on the environment and is not exempt under Subsection 88.01.030(m) (Exempt Activities Oak woodlands), one or more of the conditions in this Subsection may be imposed in compliance with Public Resources Code Section 21083.4. For the purposes of this Subsection, "oak" shall mean a native tree species that is in the genus *Quercus*, which is not designated as Group A or Group B commercial species under regulations adopted by the State Board of Forestry and Fire Protection in compliance with Public Resources Code Section 4526, and which is five inches or more in diameter as measured at a point 4.5 feet (breast height) above natural grade level. The applicable review authority may require certification from a Tree Expert that the proposed mitigation measures are appropriate, supportive of a healthy oak woodland environment, and in compliance with this Subsection. The certification shall include the information in compliance with Department procedures. The conditions that may be imposed include one or more of the following:
- (A) **Preservation.** Preserve existing oak woodlands by recording conservation easements in favor of the County or an approved organization or agency.
- (B) **Replacement or restoration.** Replace or restore former oak woodlands. The review authority may require the planting and maintenance of replacement trees, including replacing dead or diseased trees. The replacement ratio and tree sizes shall be based on the recommendation of an

Oak Reforestation Plan prepared by a registered professional forester. The requirement to maintain trees in compliance with this paragraph shall terminate seven years after the trees are planted.

- (C) **In-lieu mitigation fee.** Contribute in-lieu mitigation fee to the Oak Woodlands Conservation Fund, established under Fish and Game Code Section 1363 for the purpose of purchasing oak woodlands conservation easements. A project applicant who contributes funds in compliance with this Subsection shall not receive or use a grant from the Oak Woodlands Conservation Fund as part of the mitigation for the project. The in-lieu fee for replacement trees shall be calculated based upon their equivalent value as established by the International Society of Arboriculture's (ISA) current edition of *Guide to Establishing Values for Trees and Shrubs*, etc.)
 - (D) **Other mitigation measures.** Perform other mitigation measures as may be required by the review authority (e.g., inch-for-inch off-site replacement planting; transfer of development rights, enrollment of project with offset provider for carbon credits in greenhouse gas emission registry, carbon reduction, and carbon trading system; etc.).
- (f) **Findings for Tree or Plant Removal Permits.** The applicable review authority may authorize the removal of a regulated tree or plant only if the following findings are made:
- (1) **Findings for removals in the Valley Region, Mountain Region, and Desert Region.** The removal of the regulated tree or plant is justified for one of the following reasons:
 - (A) The location of the regulated tree or plant and/or its dripline interferes with an allowed structure, sewage disposal area, paved area, or other approved improvement or ground disturbing activity and there is no other alternative feasible location for the improvement.
 - (B) The location of the regulated tree or plant and/or its dripline interferes with the planned improvement of a street or development of an approved access to the subject or adjoining private property and there is no other alternative feasible location for the improvement.
 - (C) The location of the regulated tree or plant is hazardous to pedestrian or vehicular travel or safety.
 - (D) The regulated tree or plant or its presence interferes with or is causing extensive damage to utility services or facilities, roadways, sidewalks,

curbs, gutters, pavement, sewer line(s), drainage or flood control improvements, foundations, existing structures, or municipal improvements.

- (E) The condition or location of the regulated tree or plant is adjacent to and in such close proximity to an existing or proposed structure that the regulated tree or plant has or will sustain significant damage.

- (2) **Additional findings for removals in the Mountain Region.** In the Mountain Region only, the applicable review authority shall also make all of the following findings:

- (A) Where improvements are proposed, the design of the improvements ensures that at least the following minimum percentage of the subject parcel will be maintained or established in a natural undeveloped vegetated or revegetated condition sufficient to ensure vegetative coverage for a forest environment, as determined by the applicable Review Authority.

- (I) Twenty percent of commercial, industrial, and administrative/professional uses.

- (II) Thirty-five percent of multi-family residential uses.

- (B) At least one half of natural areas for all uses, except single family residential uses, will be located in the front setback area or located so that significant portions are visible from the public right-of-way on which the improvements are to be located.

- (C) A perch tree within a federally identified American Bald Eagle habitat will not be removed unless an adequate substitution is provided.

- (D) A Registered Professional Forester has certified in writing that the condition or location of a regulated tree is contributing to overstocked tree stand conditions and that its removal will improve the overall health, safety, and vigor of the stand of trees containing the subject tree.

- (3) In the Desert Region only, the applicable Review Authority shall also make the following findings:

- (A) Joshua trees that are proposed to be removed will be transplanted or stockpiled for future transplanting wherever possible.

- (B) In the instance of stockpiling, the permittee has complied with Department policy to ensure that Joshua trees are transplanted appropriately. Transplanting shall comply with the provisions of the Desert Native Plants

Act (Food and Agricultural Code Section 80001 et seq.), as required by Subsection 88.01.060(d) (Compliance with Desert Native Plants Act).

- (C) No other reasonable alternative exists for the development of the land when the removal of specimen size Joshua Trees is requested. Specimen size trees are defined as meeting one or more of the following criteria:
 - (I) A circumference measurement equal to or greater than 50 inches measured at 4.5 feet above natural grade level.
 - (II) Total tree height of 15 feet or greater.
 - (III) Trees possessing a bark-like trunk.
 - (IV) A cluster of 10 or more individual trees, of any size, growing in close proximity to each other.
- (g) **Plot plan requirements.** Before the issuance of a Tree or Plant Removal Permit, a plot plan shall be approved by the applicable Review Authority for each site indicating exactly which trees or plants are authorized to be removed. The required information shall be added to any other required plot plan.
- (h) **Construction standards.** During construction and before final inspection under a development permit, the following construction standards shall apply, unless otherwise approved in writing by an arborist, registered professional forester, or a Desert Native Plant Expert:
 - (1) **Enclosures.** The trunks of regulated trees and regulated plants shall not be enclosed within rooflines or decking.
 - (2) **Attachments.** Utilities, construction signs, or other hardware shall not be attached so as to penetrate or abrade any live regulated tree or plant.
 - (3) **Grade alterations.** No grade alterations shall bury any portion of a regulated tree or plant or significantly undercut the root system within the dripline.
- (i) **Enforcement.**
 - (1) **Other applicable Code provisions.** The provisions of Chapter 86.09 (Enforcement) shall apply to this Chapter.
 - (2) **Enforcement authorities.** The authorities responsible for the enforcement of the provisions of this Chapter shall be the same as the review authorities responsible for permit approvals as specified in this Section. In addition, the provisions of

this Chapter may be enforced by the California Department of Forestry, where applicable.

- (3) **Extension of time.** If property is subject to snow, flooding, or other conditions that render compliance with the provisions of this Chapter within the specified time periods impractical because of inaccessibility, an enforcement officer may extend the period of time for compliance.
- (4) **Powers of enforcement officers.**
 - (A) A peace officer or any authorized enforcement officer may in the enforcement of this Section:
 - (I) Make arrests without warrant for a violation of this Chapter that the officer may witness.
 - (II) Confiscate regulated native trees or plants, or parts of them, that are unlawfully harvested, possessed, sold, or otherwise obtained in violation of this Chapter.
 - (B) In addition, a designated enforcement officer shall be authorized and directed to enter in or upon any premises or other place, train, vehicle, or other means of transportation within or entering the State, which is suspected of containing or having present regulated plants in violation of this Chapter in order to examine permits and wood receipts and observe tags and seals and to otherwise enforce the provisions of this Chapter.
- (5) **When enforcement officer vested with power of peace officer.** When power or authority is given by this Chapter to a person, it may be exercised by any deputy, inspector, or agent duly authorized by that person. A person in whom the enforcement of a provision of this Chapter is vested shall have the power of a peace officer as to that enforcement, which shall include State or Federal agencies with which cooperative agreements have been made by the County to enforce the provisions of this Chapter.
- (6) **Written permission of landowner required for removal.** No person shall remove or damage all or part of any regulated tree or plant on the property of another person without first obtaining notarized written permission from the landowner and required permits, wood receipts, or tags and seals. In addition, it shall be unlawful for a person to falsify a document offered as evidence of permission to enter upon the property of another to harvest all or parts of a regulated tree or plant, whether alive or dead.

- (7) **Permit available for display and inspection.** No person, except as provided in this Chapter, shall harvest, offer for sale, destroy, dig up or mutilate, or have in his or her possession a regulated plant or tree, or the living or dead parts of them, unless the plant or tree was harvested under a valid permit and, where applicable, a valid wood receipt on his or her person. A person shall exhibit the permit, wood receipt, tags and/or seals upon request for inspection by an authorized County enforcement officer or any peace officer. No wood receipt or tag and seal shall be valid unless it is issued with a valid permit and the permit bears the wood receipt number or tag number on its face. Required tags and seals shall be attached securely to a regulated desert native plant.
- (8) **Land Disturbance.** No person, except as provided in this Chapter, shall commence with a disturbance of land (e.g., grading or land clearing) without first obtaining approval to assure that said disturbance will not result in the removal of any regulated native trees or plants. Said approval may be in the form of a development permit or a Tree or Plant Removal Permit issued by the appropriate authority.
- (j) **Penalties.** Penalties shall be those specified in Chapter 86.09 (Enforcement) and shall include the following and any other penalties specified by individual Sections of this Chapter.
- (1) **Fine for illegal removal.**
- (A) In addition to other penalties and fees imposed by this Development Code or other law, a person, firm, or corporation convicted of a violation of the provisions of this Chapter shall be guilty of a misdemeanor upon conviction.
- (B) When one or more plants or trees are removed in violation of the provisions of this Chapter, the removal of each separate plant or tree shall be a new and separate offense.
- (C) The penalty for the offense shall be a fine of not less than \$500 nor more than \$1,000, or six months in jail, or both.
- (D) Payment of a penalty shall not relieve a person, firm, or corporation from the responsibility of correcting the condition resulting from the violation.

(2) Replacement program for illegal removal.

- (A) In addition to other penalties imposed by this Development Code or other law, a person, firm, or corporation convicted of violating the provisions of this Chapter regarding improper removal of regulated native trees or plants shall be required to retain, as appropriate, a Tree Expert or Desert Native Plant Expert to develop and implement a replacement program.
- (B) The expert shall determine the appropriate number, size, species, location, and planting conditions for replacement plants or trees in sufficient quantities to revegetate the illegally disturbed area.
- (C) If it is inappropriate to revegetate the illegally disturbed area, another appropriate location (e.g., public parks) may be substituted at the direction of the court.
- (D) The violator shall post a bond in an amount sufficient to remove and reinstall plant/tree materials that were planted as a part of a replacement program and failed within two years.

(3) Revocation of permits.

- (A) Upon conviction of a violation of this Chapter, all Tree or Plant Removal Permits issued to the convicted person, firm, or corporation shall be revoked.
- (B) No new or additional Tree or Plant Removal Permits shall be issued to the permittee for a period of one year from the date of conviction.
- (C) Additionally, in the Desert Region the permittee shall be required to surrender unused wood receipts or tags and seals to the Director.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008); Amended Ordinance 4067 (2009)

88.01.060 Desert Native Plant Protection

This Section provides regulations for the removal or harvesting of specified desert native plants in order to preserve and protect the plants and to provide for the conservation and wise use of desert resources. The provisions are intended to augment and coordinate with the Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) and the efforts of the State Department of Food and Agriculture to implement and enforce the Act.

- (a) **Definitions.** Terms and phrases used within this Section shall be defined in Division 10 (Definitions) and/or defined by the California Food and Agricultural Code. The California Food and Agricultural Code definition, if one exists, shall prevail over a conflicting definition in this Development Code.
- (b) **Applicability.** The provisions of this Section shall apply to desert native plants specified in Subsection (c) (Regulated desert native plants) that are growing on any of the following lands, unless exempt in compliance with Section 88.01.030 (Exempt Activities):
- (1) Privately owned or publicly owned land in the Desert Region.
 - (2) Privately owned or publicly owned land in any parts of the Mountain Region in which desert native plants naturally grow in a transitional habitat.
- (c) **Regulated desert native plants.** The following desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permit in compliance with Section 88.01.050 (Tree or Plant Removal Permits). In all cases the botanical names shall govern the interpretation of this Section.
- (1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:
 - (A) *Dalea spinosa* (smoketree).
 - (B) All species of the genus *Prosopis* (mesquites).
 - (2) All species of the family *Agavaceae* (century plants, nolin, yuccas).
 - (3) Creosote Rings, 10 feet or greater in diameter.
 - (4) All Joshua trees.
 - (5) Any part of any of the following species, whether living or dead:
 - (A) *Olneya tesota* (desert ironwood).
 - (B) All species of the genus *Prosopis* (mesquites).
 - (C) All species of the genus *Cercidium* (palos verdes).

- (d) **Compliance with Desert Native Plants Act.** Removal actions of all plants protected or regulated by the Desert Native Plants Act (Food and Agricultural Code Section 80001 et seq.) shall comply with the provisions of the Act before the issuance of a development permit or approval of a land use application.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.070 Mountain Forest and Valley Tree Conservation

This Section provides regulations to promote conservation and wise use of forest resources in the Mountain Region and native tree resources in the Valley Region. The provisions are intended to augment and coordinate with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.) and the efforts of the State Department of Forestry and Fire Protection to implement and enforce the Act.

(a) **Applicability.**

- (1) **Private harvesting.** The provisions of this Section apply to the private harvesting of all trees growing on private land and on public land in the unincorporated Mountain Region and Valley Region.
- (2) **Commercial harvesting.** The commercial harvesting of trees shall be prohibited, except as allowed by and authorized by the State Department of Forestry and Fire Protection in compliance with the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4526 et seq.).

(b) **Regulated trees.** The following trees shall only be removed with an approved Tree or Plant Removal Permit issued in compliance with Section 88.01.050 (Tree or Plant Removal Permits):

- (1) **Native trees.** A living, native tree with a six inch or greater stem diameter or 19 inches in circumference measured 4.5 feet above natural grade level.
- (2) **Palm trees.** Three or more palm trees in linear plantings, which are 50 feet or greater in length within established windrows or parkway plantings, shall be considered to be heritage trees and shall be subject to the provisions of this Chapter regarding native trees.

(c) **Tree protection from insects and disease.** For regulations on the treatment and disposition of felled trees, see Section 88.01.090 (Tree Protection from Insects and Disease).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.080 Riparian Plant Conservation

This Section provides regulations to promote healthy and abundant riparian habitats that protect watersheds; control transmission and storage of natural water supplies; provide unique wildlife habitats for rare, endangered and threatened plants and animals; provide attractive environments; control natural soil erosion and sedimentation to protect stream banks subject to erosion and undercutting; and provide sufficient shade to reduce temperature and evaporation and the growth of algae in streams. The provisions of this Section are intended to augment and coordinate with the responsibilities of the California Department of Fish and Game.

(a) Applicability.

- (1) Applicable areas.** The provisions of this Section shall apply to all riparian areas located on private land in all zones within the unincorporated areas of the County and to riparian areas on public land owned by the County, unless exempt as specified by Section 88.01.030 (Exempt Activities) and by Subsection (2) (Exemptions), below.
- (2) Exemptions.** The provisions of this Section shall not apply to:
 - (A) Emergency Flood Control District operations or water conservation measures established and authorized by an appropriate independent Special District.
 - (B) An area that has an existing man-made impervious structure, which is greater than 120 square feet in roof area, between the area proposed to be disturbed by a development permit and the bank of a subject stream, as measured in a straight line perpendicular to the centerline of the stream.

(b) Regulated riparian plants.

- (1) Vegetation described.** The removal of vegetation within 200 feet of the bank of a stream, or in an area indicated as a protected riparian area on an overlay map or Specific Plan, shall require approval of a Tree or Plant Removal Permit in compliance with Section 88.01.050 (Tree or Plant Removal Permits) shall be subject to environmental review.
 - (2) Streams.** For the purposes of this Section, streams include those shown on United States Geological Survey Quadrangle topographic maps as perennial or intermittent, blue or brown lines (solid or dashed), and river wash areas.
- (c) Preconstruction inspections.** Preconstruction inspections shall include the verification of the presence of riparian vegetation.
- (d) Conditions of approval.** Conditions of approval for removal of riparian vegetation may be imposed in addition to, and in combination with, any condition imposed in compliance with Section 88.01.050 (Tree or Plant Removal Permits).

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

88.01.090 Tree Protection from Insects and Disease

This Section provides regulations for the treatment and disposition of felled trees in the Mountain Region to protect against damaging insects (e.g. bark beetles) and diseases. The intent is to mitigate the serious danger posed to forests from coniferous trees that are cut in land clearing operations and are then allowed to remain exposed and untreated against noxious insects, which then multiply in the felled trees to later attack and damage healthy coniferous trees.

- (a) **Applicability.** The provisions in this Section apply to coniferous trees located on land in the Mountain Region. Every person, firm, or corporation, whether as principal, agent, or employee, that has control of, right of entry on, or access to land in the Mountain Region shall comply with this Section.

- (b) **Treatment of felled trees.** Except as otherwise provided by this Section, felled coniferous trees, portions of trees, and stumps shall be treated in compliance with at least one, or a combination, of the following methods and the method in Subsection (c) (Stump treatment), below, within 15 days after a coniferous tree has been cut.
 - (1) Remove to a solid waste disposal site specifically designated by the County for this type of use.
 - (2) Burn sufficiently to consume the bark, when allowed by the Fire Department and the Air Pollution Control District.
 - (3) Lop and scatter material less than four inches in diameter so that it is piled no higher than 24 inches above the ground, when allowed by the Fire Department.
 - (4) Remove the bark
 - (5) Chip or grind.
 - (6) Split and scatter with bark toward the sun for a minimum of 45 consecutive days or until final inspection is completed, whichever is less.
 - (7) Stack in the sun and cover with six mil clear plastic, which has a continuous seal from the outside and for at least 180 days.
 - (8) Spray with a commercial insecticide, as approved by the Agricultural Commissioner for these insects and purposes.

- (9) Treat under any other method approved by the enforcement officer in writing.
- (c) **Stump treatment.** Fresh cut stumps of live coniferous trees shall be protected from infection by Annosus Root Rot (*Fomes annosus*) with borax powder (granular tech, 10 mole) as soon as possible after felling, covering the entire newly exposed cut and/or broken surface completely with a thin uniform layer of white borax within two hours.
- (d) **Inspections.** In the case of construction activity, the Building Official shall not approve development permit inspections until felled coniferous trees, portions of trees, and stumps are treated in compliance with this Section.
- (e) **Certificate of compliance.** Where trees have been treated by an approved method and the evidence of treatment is not readily observable to the inspector on the construction site, the Building Official shall require a permittee to obtain a certificate that the treatment has been completed in an acceptable manner. The certificate may be from one of the following authorities:
- (1) Fire Chief.
 - (2) Agricultural Commissioner.
 - (3) Appropriately certified Pest Control Adviser as defined in Food and Agriculture Code Section 11401 et seq.
 - (4) Qualified Applicator as defined in Food and Agriculture Code Section 11401 et seq.
- (f) **Extension of time of enforcement.** If compliance with Subsection (b) (Treatment of felled trees) and Subsection (c) (Stump treatment) within the specified time periods is impractical because of inaccessibility to the cut timber due to snow or flooding, an enforcement officer may extend the period of time for compliance.

Adopted Ordinance 4011 (2007); Amended Ordinance 4067 (2009)

WESTERN JOSHUA TREE CENSUS & PROTECTED PLANT PLAN

YUCCA VALLEY, CALIFORNIA

Prepared for:

High Desert Center LLC

Prepared by:

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Project No: RCA#2025-89 JT

May 7, 2025

TITLE PAGE

Date Report Prepared: November 19, 2024

Date Report Updated: May 7, 2025

Field Work Completed: October 17 & 21, 2024

Report Title: Western Joshua Tree Census

Project Location: Yucca Valley, California
APN: 0588-021, 28 & 29
NW Corner: 34.11586255°, -116.40212958°
NE Corner: 34.11587698°, -116.40108263°
SW Corner: 34.11413667°, -116.40212914°
SE Corner: 34.11413963°, -116.40105938°

Datum of Coordinates: World Geodetic System 1984 (WGS 84)

Prepared For: High Desert Center LLC

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Appendix A – Figures

Appendix B – California Fish and Game Code 1927

1.0 SUMMARY

At the request of the project proponent, RCA Associates, Inc. surveyed an approximate 4.7-acre property located southwest of the intersection of Pueblo Trail and Chula Vista Ave. in Yucca Valley, California (APN: 0588-021, 28 & 29) (Figures 1 and 2). The property corners are marked in figure 2 and the coordinates of the corners are displayed on the title page under location. The property site is located in Section 6, Township 1 South, Range 6 East (USGS Yucca Valley South, CA 7.5-minute quadrangle).

The purpose of the survey was to evaluate the western Joshua trees present on site and to determine possible impacts to the population in order to calculate approximate mitigation measures prior to ground disturbance. This report provides the results of the Western Joshua Tree Census performed on October 17 & 21, 2024. A Protected Plant Plan Survey was also performed in tandem to evaluate the site for the presence of any plants that are regulated under the California Desert Native Plant Act (CDNPA). The plants covered under the CDNPA include *Dalea spinosa* (smoketree), all species of *Prosopis* (mesquites), all species of *Agavaceae* (century plants, nolin, yuccas), creosote rings, Joshua trees, *Olneya tesota* (desert ironwood) and all species of *Cercidium* (palos verdes). Following completion of the survey, RCA Associates, Inc. prepared this Western Joshua Tree Census to assist the project proponent with future planning regarding the possible relocation or removal of any Joshua trees and in applying for an Incidental Take Permit (ITP). Information on the Joshua trees is provided in Section 4.0. The State of California's Fish and Game Code 1927 states the requirements of the Western Joshua Tree Conservation Act and is provided in Appendix B.

Based on the results of the background data search it was determined that the project site is located within the standard fee mitigation area for the Western Joshua Tree Conservation Act. Results of the field investigations yielded that there are 361 Joshua trees which occur within the boundaries of the property and 37 Joshua trees were observed that occur within a 15-meter (~50 foot) buffer surrounding the property (Figures 3 and 4). Based on the evaluation and analysis of each tree on-site it was determined that 178 (49.3%) Joshua trees were less than 1 meter in height, 158 (43.8%) Joshua trees were 1 meter or greater but less than 5 meters in height, 25 (6.9%) Joshua tree was 5 meters or greater in height. There were 37 Joshua trees present within the 15-meter buffer

surrounding the project site. Information on each tree is provided in Table 4-2-1 & 4-2-2.

2.0 INTRODUCTION AND PROJECT LOCATION

The area surveyed is located southwest of the intersection of Pueblo Trail and Chula Vista Ave. in Yucca Valley, California (Figures 1 and 2). The site is bordered by residential developments and vacant lands. The biological resources on site consist of a desert scrub community typical of the area which includes Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*), fiddleneck (*Amsinckia tessellate*), Mojave yucca (*Yucca schidigera*) and creosote bush (*Larrea tridentata*).

Joshua trees occur throughout the Mojave Desert in Southern California and are typically found at an elevation of 400 to 1,800 meters (~1,200 to ~5,400 feet). Joshua trees within the western portion of the Mojave Desert typically receive more annual precipitation during “normal” years; consequently, cloning occurs more often resulting in numerous trunks sprouting from the same root system (Rowland, 1978). Joshua tree habitats provide habitat for a variety of wildlife species including desert woodrats (*Neotoma* sp.) and night lizards (*Xantusia* sp.) both of which utilize the base of the trees. A variety of birds also utilize Joshua trees for nesting such as hawks, common ravens, and cactus wrens. CDFW considers Joshua tree woodlands as areas that support relatively high species diversity and as such are considered to be a sensitive desert community. Joshua trees are also considered a significant resource under the California Environmental Quality Act (CEQA) and are included in the Desert Plant Protection Act, Food and Agricultural Code (80001 – 80006).

The purpose of the CDNPA is to protect certain species of California desert native plants from unlawful harvesting on both public and privately owned lands. The CDNPA only applies within the boundaries of Imperial, Inyo, Kern, Los Angeles, Mono, Riverside, San Bernardino, and San Diego Counties. The plants covered under the CDNPA include *Dalea spinosa* (smoketree), all species of *Prosopis* (mesquites), all species of *Agavaceae* (century plants, nolinias, yuccas), creosote rings, Joshua trees, *Olneya tesota* (desert ironwood) and all species of *Cercidium* (palos verdes)

3.0 METHODOLOGIES

Pedestrian surveys were walked throughout the site and biologists from RCA Associates, Inc. evaluated each Joshua tree (living or dead) to determine the height, life stage, and a general health assessment. Each Joshua tree within the project boundaries received a metal numbered tag for documentation purposes and to aid in identification if future transplanting is required by CDFW. A piece of flagging was affixed to each tree while taking pictures to indicate the tree/trunk of focus. Photos of each tree can be obtained by request by contacting CDFW. Presence absence studies were performed for plants regulated under the California Desert Native Plant Act were surveyed for and locations were recorded. The plants covered under the CDNPA include *Dalea spinosa* (smoketree), all species of *Prosopis* (mesquites), all species of *Agavaceae* (century plants, nolin, yuccas), creosote rings, Joshua trees, *Olneya tesota* (desert ironwood) and all species of *Cercidium* (palos verdes).

The precise location, data and assessment of each tree/plant species was recorded using a Juniper Systems Cedar CT8X2 GPS tablet running Uinta software. A Nikon Forestry Pro II rangefinder was utilized to determine the extent of the property boundaries, buffer zone and accurate tree height. Those Joshua trees which occur on the property site are presented in Table 4-2-1 and the locations are provided in Figure 3. A 15-meter (~50 ft) is recommended as part of the census area surrounding the project site but was not physically walked and surveyed on foot due to landowner permission not being obtained. Trees that fall within the 15-meter (~50 foot) buffer were assessed from the property's boundary. Data on each western Joshua tree within the buffer can be found in table 4-2-2 and the locations are provided in figure 4. A KML with geographic data on the positions of all trees will be provided to help locate trees in projects with significant tree density and for future mapping.

4.0 RESULTS

A total of 361 Joshua trees occur within the boundaries of the property and 37 Joshua trees that occur within the 15-meter (~50 foot) buffer (Figures 4). Based on the evaluation and analysis of each tree within the boundaries of the property it was determined that 178 (49.3%) Joshua trees were less than 1 meter in height, 158 (43.8%) Joshua trees were 1 meter or greater but less than 5 meters in height, and 25 (6.9%) Joshua tree was 5 meters or greater in height. The GPS location and information on each on-site tree is provided in Table 4-2-1 and each off-site tree in table 4-2-2.

Among the plant species regulated under the CDNPA the only plants that were observed on site during the October 2024 field survey was the Mojave yucca (*Yucca schidigera*). A total of 87 Mojave yucca were identified within the properties boundaries as shown in Figure 5. No other protected plant species under the CDNPA were identified during the field investigations.

Table 4-2-1: Western Joshua Tree Census table showing On-site Joshua trees. (Note: The GPS locations of the Joshua trees are provided below along with the height and a general health assessment.) (Note: The JT numbers correspond to the tag numbers placed on the Joshua trees.)

	Number of Joshua Trees	Number of Live Joshua Trees	Number of Dead Joshua Trees	Number of Size Class “A” Joshua Trees	Number of Size Class “B” Joshua Trees	Number of Size Class “C” Joshua Trees
On-Site	361	353	8	178	158	25
Off-Site	37	37	0	10	23	4
Total	398	390	8	188	181	29

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 283	34.11448337	-116.4014408	Live	1.3	B	No	None		No		Not Applicable	
JT 1088	34.11491973	-116.401209	Live	5.2	C	Yes	None		No		Not Applicable	
JT 1089	34.11484663	-116.4010709	Live	2.2	B	Yes	None		No		Not Applicable	
JT 1090	34.11482383	-116.4011774	Live	1.4	B	No	None		No		Not Applicable	Above ground fusion

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1091	34.1148025	-116.4011732	Live	1.2	B	No	None		No		Not Applicable	
JT 1092	34.11480603	-116.4011711	Live	1.7	B	No	None		No		Not Applicable	
JT 1093	34.11480528	-116.4011851	Live	5.1	C	Yes	None		No		Not Applicable	
JT 1094	34.11481702	-116.4011832	Live	0.4	A	No	None		No		Not Applicable	
JT 1095	34.1148163	-116.4011817	Live	0.5	A	No	None		No		Not Applicable	
JT 1096	34.11481387	-116.4011822	Live	0.8	A	No	None		No		Not Applicable	
JT 1097	34.11481665	-116.40118	Live	0.6	A	No	None		No		Not Applicable	
JT 1098	34.11481137	-116.4011745	Live	1.4	B	No	None		No		Not Applicable	
JT 1099	34.11480792	-116.4011798	Live	1.2	B	No	None		No		Not Applicable	
JT 1100	34.11480303	-116.4011808	Live	1.2	B	No	None		No		Not Applicable	
JT 1101	34.11481145	-116.4011877	Live	3.1	B	Yes	None		No		Not Applicable	
JT 1102	34.11479077	-116.4011501	Live	1	B	No	None		No		Not Applicable	
JT 1103	34.11478007	-116.401136	Live	0.8	A	No	None		No		Not Applicable	
JT 1104	34.11479428	-116.4011497	Live	1.5	B	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1105	34.11479732	-116.401155	Live	0.3	A	No	None		No		Not Applicable	
JT 1106	34.11479203	-116.401153	Live	1.3	B	No	None		No		Not Applicable	
JT 1107	34.11479487	-116.4011517	Live	1.6	B	No	None		No		Not Applicable	
JT 1108	34.1147947	-116.4011526	Live	1.2	B	No	None		No		Not Applicable	
JT 1109	34.11478398	-116.4011529	Live	0.2	A	No	None		No		Not Applicable	
JT 1110	34.11478877	-116.4011471	Live	1.8	B	No	None		No		Not Applicable	
JT 1111	34.11478808	-116.4011498	Live	0.9	A	No	None		No		Not Applicable	
JT 1112	34.11479867	-116.4011483	Live	0.3	A	No	None		No		Not Applicable	
JT 1113	34.1147836	-116.4011358	Live	2.4	B	No	None		No		Not Applicable	
JT 1114	34.11482565	-116.4012674	Live	0.5	A	No	None		No		Not Applicable	
JT 1115	34.1148161	-116.4012718	Live	2	B	Yes	None		No		Not Applicable	
JT 1116	34.11469868	-116.4012896	Live	2.5	B	Yes	None		No		Not Applicable	
JT 1117	34.11470713	-116.4012253	Live	2.5	B	Yes	None		No		Not Applicable	Above ground fusion
JT 1118	34.11457393	-116.4012581	Live	2.2	B	Yes	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1119	34.11457263	-116.4012674	Live	0.6	A	No	None		No		Not Applicable	
JT 1120	34.11457055	-116.4012645	Live	1.2	B	No	None		No		Not Applicable	
JT 1121	34.11447252	-116.4012322	Live	1	B	No	None		No		Not Applicable	
JT 1122	34.11447228	-116.4012433	Live	1.8	B	No	None		No		Not Applicable	
JT 1123	34.11443548	-116.4011391	Live	6	C	Yes	None		No		Not Applicable	
JT 1124	34.11431998	-116.4011158	Live	6.9	C	Yes	None		No		Not Applicable	
JT 1125	34.11432842	-116.4011685	Live	0.6	A	No	None		No		Not Applicable	
JT 1126	34.11433892	-116.4011929	Live	0.7	A	No	None		No		Not Applicable	
JT 1127	34.11430442	-116.4011812	Live	0.7	A	No	None		No		Not Applicable	
JT 1128	34.1143079	-116.4011903	Live	0.3	A	No	None		No		Not Applicable	
JT 1129	34.11434222	-116.4011752	Live	2.8	B	No	None		No		Not Applicable	
JT 1130	34.1143393	-116.4011876	Live	2.3	B	No	None		No		Not Applicable	
JT 1131	34.11434387	-116.4011893	Live	1.4	B	No	None		No		Not Applicable	
JT 1132	34.11434183	-116.4012001	Live	0.5	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1133	34.11434173	-116.4012073	Live	0.3	A	No	None		No		Not Applicable	
JT 1134	34.11434797	-116.4012024	Live	0.3	A	No	None		No		Not Applicable	
JT 1135	34.11434383	-116.401203	Live	5.6	C	Yes	None		No		Not Applicable	Above ground fusion
JT 1136	34.11433013	-116.4012018	Live	0.8	A	No	None		No		Not Applicable	
JT 1137	34.11433972	-116.4012083	Live	2.3	B	No	None		No		Not Applicable	
JT 1138	34.11428798	-116.4012065	Live	0.3	A	No	None		No		Not Applicable	
JT 1139	34.11430607	-116.4012027	Live	0.4	A	No	None		No		Not Applicable	
JT 1140	34.11430947	-116.4011942	Live	0.3	A	No	None		No		Not Applicable	
JT 1141	34.11431088	-116.4011941	Live	0.3	A	No	None		No		Not Applicable	
JT 1142	34.11431505	-116.4011901	Live	0.5	A	No	None		No		Not Applicable	
JT 1143	34.11430853	-116.401205	Live	2	B	No	None		No		Not Applicable	
JT 1144	34.11430908	-116.4012093	Live	0.8	A	No	None		No		Not Applicable	
JT 1145	34.11431538	-116.4011989	Live	0.7	A	No	None		No		Not Applicable	
JT 1146	34.11432038	-116.4012071	Live	2.8	B	Yes	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1147	34.11431043	-116.4012518	Live	5.2	C	Yes	None		No		Not Applicable	
JT 1148	34.11427285	-116.4012643	Live	4	B	Yes	None		No		Not Applicable	
JT 1149	34.11424337	-116.4012677	Live	0.8	A	No	None		No		Not Applicable	
JT 1150	34.11424493	-116.4011913	Dead	1.9	B	Yes	None		No		Not Applicable	
JT 1151	34.11432182	-116.4013188	Dead	0.8	A	No	None		No		Not Applicable	
JT 1152	34.11431332	-116.4012952	Live	1.3	B	No	None		No		Not Applicable	
JT 1153	34.11432087	-116.4013093	Live	23	C	No	None		No		Not Applicable	
JT 1154	34.11431872	-116.4013104	Live	3.2	B	Yes	None		No		Not Applicable	
JT 1155	34.11484303	-116.4013706	Live	0.8	A	No	None		No		Not Applicable	
JT 1156	34.11485563	-116.401369	Live	2.4	B	No	None		No		Not Applicable	
JT 1157	34.11485265	-116.401373	Live	1	B	No	None		No		Not Applicable	
JT 1158	34.11485442	-116.4013744	Live	4	B	Yes	None		No		Not Applicable	
JT 1159	34.11485173	-116.4013786	Live	5.7	C	Yes	None		No		Not Applicable	Above ground fusion
JT 1160	34.1148459	-116.4013679	Live	0.2	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1161	34.11485357	-116.4013781	Live	0.6	A	No	None		No		Not Applicable	
JT 1162	34.11485375	-116.401391	Live	1.4	B	No	None		No		Not Applicable	
JT 1163	34.11484068	-116.4013977	Live	1.6	B	No	None		No		Not Applicable	
JT 1164	34.1148354	-116.4013966	Live	2	B	No	None		No		Not Applicable	
JT 1165	34.11483767	-116.4013832	Live	0.3	A	No	None		No		Not Applicable	
JT 1166	34.11484047	-116.4013854	Live	3.2	B	Yes	None		No		Not Applicable	
JT 1167	34.11483722	-116.4013723	Live	3	B	No	None		No		Not Applicable	
JT 1168	34.11483447	-116.4013828	Live	0.4	A	No	None		No		Not Applicable	
JT 1169	34.11472312	-116.4014282	Live	4.5	B	Yes	None		No		Not Applicable	
JT 1170	34.11471713	-116.401432	Live	0.3	A	No	None		No		Not Applicable	
JT 1171	34.11471722	-116.401425	Live	1.7	B	No	None		No		Not Applicable	
JT 1172	34.1146718	-116.401362	Live	1.5	B	No	None		No		Not Applicable	
JT 1173	34.11472172	-116.4014555	Live	0.6	A	No	None		No		Not Applicable	
JT 1174	34.11472635	-116.4014582	Live	1.7	B	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1175	34.11473377	-116.401459	Live	0.9	A	No	None		No		Not Applicable	
JT 1176	34.11471997	-116.401439	Live	0.2	A	No	None		No		Not Applicable	
JT 1177	34.11472372	-116.4014345	Live	4	B	Yes	None		No		Not Applicable	Above ground fusion
JT 1178	34.11472487	-116.4014411	Live	0.7	A	No	None		No		Not Applicable	
JT 1179	34.11473035	-116.4014386	Live	0.1	A	No	None		No		Not Applicable	
JT 1180	34.11472868	-116.4014344	Live	0.6	A	No	None		No		Not Applicable	
JT 1181	34.1147241	-116.4014359	Live	0.3	A	No	None		No		Not Applicable	
JT 1182	34.11472943	-116.4014316	Live	0.8	A	No	None		No		Not Applicable	
JT 1183	34.11482197	-116.4016009	Live	4.7	B	Yes	None		No		Not Applicable	
JT 1184	34.11467333	-116.4015301	Live	3.1	B	No	None		No		Not Applicable	
JT 1185	34.11456853	-116.4015325	Live	4.9	B	Yes	None		No		Not Applicable	Above ground fusion
JT 1186	34.11455572	-116.4015415	Live	0.3	A	No	None		No		Not Applicable	
JT 1187	34.11446993	-116.4014435	Live	0.6	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1188	34.11447083	-116.4014434	Live	0.9	A	No	None		No		Not Applicable	
JT 1189	34.11446818	-116.40145	Live	1.5	B	No	None		No		Not Applicable	
JT 1190	34.11446347	-116.4014494	Live	2.3	B	No	None		No		Not Applicable	
JT 1191	34.11446178	-116.401454	Live	0.3	A	No	None		No		Not Applicable	
JT 1192	34.11445743	-116.4014525	Live	0.5	A	No	None		No		Not Applicable	
JT 1193	34.11445538	-116.4014534	Live	0.3	A	No	None		No		Not Applicable	
JT 1194	34.11445447	-116.4014545	Live	0.7	A	No	None		No		Not Applicable	
JT 1195	34.1144551	-116.4014587	Live	1.8	B	No	None		No		Not Applicable	
JT 1196	34.1144611	-116.4014589	Live	0.9	A	No	None		No		Not Applicable	
JT 1197	34.1144454	-116.4014617	Live	2.3	B	No	None		No		Not Applicable	
JT 1198	34.11443718	-116.4014595	Live	0.5	A	No	None		No		Not Applicable	
JT 1199	34.11444837	-116.4014553	Live	0.9	A	No	None		No		Not Applicable	
JT 1200	34.11444792	-116.4014554	Live	0.9	A	No	None		No		Not Applicable	
JT 1258	34.11584811	-116.4020274	Live	0.7	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1259	34.11585278	-116.4020557	Live	2.8	B	Yes	None		No		Not Applicable	Branched
JT 1260	34.11500412	-116.401164	Live	2.1	B	Yes	None		No		Not Applicable	
JT 1260	34.11550782	-116.4018913	Live	1.2	B	Yes	None		No		Not Applicable	
JT 1261	34.11480953	-116.4011954	Live	0.4	A	No	None		No		Not Applicable	
JT 1262	34.11481117	-116.4011946	Live	0.4	A	No	None		No		Not Applicable	
JT 1263	34.11480212	-116.4011945	Live	0.7	A	No	None		No		Not Applicable	
JT 1264	34.11481115	-116.401194	Live	1	B	No	None		No		Not Applicable	
JT 1265	34.11481167	-116.4011941	Live	2.4	B	Yes	None		No		Not Applicable	
JT 1266	34.11480828	-116.4011957	Live	1.2	B	No	None		No		Not Applicable	
JT 1267	34.11478607	-116.4012114	Live	1.8	B	No	None		No		Not Applicable	
JT 1268	34.11478965	-116.4011987	Live	0.7	A	No	None		No		Not Applicable	
JT 1269	34.11478072	-116.4011918	Live	1.3	B	No	None		No		Not Applicable	
JT 1270	34.11478373	-116.4011891	Live	1	B	No	None		No		Not Applicable	
JT 1271	34.11478253	-116.401187	Live	0.6	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1272	34.1147843	-116.4011891	Live	0.4	A	No	None		No		Not Applicable	
JT 1273	34.11479167	-116.4011879	Live	0.5	A	No	None		No		Not Applicable	
JT 1274	34.11478013	-116.4011844	Live	1.3	B	No	None		No		Not Applicable	
JT 1275	34.11477405	-116.4011895	Live	2.3	B	Yes	None		No		Not Applicable	
JT 1276	34.11478193	-116.4011865	Live	0.5	A	No	None		No		Not Applicable	
JT 1277	34.11478485	-116.4011862	Live	0.4	A	No	None		No		Not Applicable	Not reachable
JT 1278	34.11478613	-116.4011873	Live	0.4	A	No	None		No		Not Applicable	
JT 1279	34.11477445	-116.4011896	Live	0.4	A	No	None		No		Not Applicable	Not reachable
JT 1280	34.11455307	-116.4012071	Live	3.1	B	Yes	None		No		Not Applicable	
JT 1281	34.114571	-116.4012397	Live	2.4	B	Yes	None		No		Not Applicable	
JT 1282	34.11448588	-116.4012248	Live	0.4	A	No	None		No		Not Applicable	
JT 1283	34.11448083	-116.4012247	Live	3	B	Yes	None		No		Not Applicable	
JT 1284	34.11448345	-116.4012331	Live	4.6	B	Yes	None		No		Not Applicable	Above ground fusion
JT 1285	34.11435227	-116.4012041	Live	1.4	B	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1286	34.11434978	-116.4012142	Live	0.5	A	No	None		No		Not Applicable	
JT 1287	34.11434922	-116.4012122	Live	0.4	A	No	None		No		Not Applicable	
JT 1288	34.11434448	-116.4012055	Live	0.5	A	No	None		No		Not Applicable	
JT 1289	34.11434237	-116.4011984	Live	2.8	B	Yes	None		No		Not Applicable	
JT 1290	34.11435182	-116.4012256	Live	0.9	A	No	None		No		Not Applicable	
JT 1291	34.1143313	-116.4012145	Live	0.4	A	No	None		No		Not Applicable	
JT 1292	34.11434153	-116.4012216	Live	0.3	A	No	None		No		Not Applicable	
JT 1293	34.11435043	-116.4012213	Live	0.4	A	No	None		No		Not Applicable	
JT 1294	34.1143328	-116.4012196	Live	0.2	A	No	None		No		Not Applicable	
JT 1295	34.11433865	-116.4012112	Live	0.8	A	No	None		No		Not Applicable	
JT 1296	34.11435133	-116.4012209	Live	0.5	A	No	None		No		Not Applicable	
JT 1297	34.11434055	-116.4012195	Live	0.4	A	No	None		No		Not Applicable	
JT 1298	34.11432225	-116.4012185	Live	0.4	A	No	None		No		Not Applicable	
JT 1299	34.11433163	-116.4012113	Live	2	B	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1401	34.11432712	-116.4012173	Live	0.5	A	No	None		No		Not Applicable	
JT 1402	34.11431695	-116.4012044	Live	0.4	A	No	None		No		Not Applicable	
JT 1403	34.11432057	-116.4012114	Live	2.3	B	Yes	None		No		Not Applicable	
JT 1404	34.11432355	-116.4012086	Live	1.1	B	No	None		No		Not Applicable	
JT 1405	34.11431808	-116.401217	Live	0.2	A	No	None		No		Not Applicable	
JT 1406	34.11431037	-116.4012143	Live	0.3	A	No	None		No		Not Applicable	
JT 1407	34.11415258	-116.4011994	Live	2.9	B	Yes	None		No		Not Applicable	
JT 1408	34.11414997	-116.4011855	Live	4.6	B	Yes	None		No		Not Applicable	
JT 1409	34.1141384	-116.4011995	Live	1.2	B	No	None		No		Not Applicable	
JT 1410	34.11426232	-116.4014518	Live	0.8	A	No	None		No		Not Applicable	
JT 1411	34.11448442	-116.4013816	Live	5.3	C	Yes	None		No		Not Applicable	
JT 1412	34.11452602	-116.4015286	Live	1	B	No	None		No		Not Applicable	
JT 1413	34.11453932	-116.4015321	Live	0.4	A	No	None		No		Not Applicable	
JT 1414	34.11454548	-116.4015321	Live	2	B	No	None		No		Not Applicable	Branched trunk

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1415	34.11455102	-116.4015252	Live	0.4	A	No	None		No		Not Applicable	
JT 1416	34.11454952	-116.4015198	Live	0.3	A	No	None		No		Not Applicable	
JT 1417	34.11455972	-116.4015241	Live	0.4	A	No	None		No		Not Applicable	
JT 1418	34.11447655	-116.401498	Live	4.6	B	Yes	None		No		Not Applicable	
JT 1419	34.11448867	-116.4014922	Live	2.2	B	No	None		No		Not Applicable	
JT 1420	34.11445998	-116.401431	Live	0.4	A	No	None		No		Not Applicable	
JT 1421	34.11445772	-116.4014334	Live	0.3	A	No	None		No		Not Applicable	
JT 1422	34.11446208	-116.4014305	Live	0.4	A	No	None		No		Not Applicable	
JT 1423	34.11446132	-116.4014277	Live	0.5	A	No	None		No		Not Applicable	
JT 1424	34.11444697	-116.4014369	Live	0.7	A	No	None		No		Not Applicable	
JT 1425	34.11445207	-116.401428	Live	2.2	B	Yes	None		No		Not Applicable	
JT 1426	34.11446128	-116.4014233	Live	2.7	B	Yes	None		No		Not Applicable	
JT 1427	34.11446447	-116.401422	Live	2.3	B	No	None		No		Not Applicable	
JT 1428	34.11446247	-116.4013974	Live	0.3	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1429	34.11445308	-116.4014102	Live	0.7	A	No	None		No		Not Applicable	
JT 1430	34.11445643	-116.4014127	Live	0.4	A	No	None		No		Not Applicable	
JT 1431	34.11444263	-116.4014229	Live	0.8	A	No	None		No		Not Applicable	
JT 1432	34.11443623	-116.4014162	Live	0.3	A	No	None		No		Not Applicable	
JT 1433	34.11443833	-116.4014165	Live	0.6	A	No	None		No		Not Applicable	
JT 1434	34.11444953	-116.4014202	Live	1.2	B	No	None		No		Not Applicable	
JT 1435	34.11444717	-116.4014218	Live	1.4	B	No	None		No		Not Applicable	
JT 1436	34.11443592	-116.4014303	Live	0.9	A	No	None		No		Not Applicable	
JT 1437	34.11443433	-116.4014316	Live	1	B	No	None		No		Not Applicable	
JT 1438	34.11443585	-116.4014267	Live	0.7	A	No	None		No		Not Applicable	
JT 1439	34.11443243	-116.4014252	Live	0.4	A	No	None		No		Not Applicable	
JT 1440	34.11443122	-116.401432	Live	1.7	B	No	None		No		Not Applicable	
JT 1441	34.11443102	-116.4014252	Live	1.1	B	No	None		No		Not Applicable	
JT 1442	34.11442203	-116.401437	Live	0.3	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1443	34.11442568	-116.401439	Live	0.2	A	No	None		No		Not Applicable	
JT 1444	34.11443342	-116.4014462	Live	0.2	A	No	None		No		Not Applicable	
JT 1445	34.11445165	-116.4014188	Live	0.3	A	No	None		No		Not Applicable	
JT 1446	34.11444503	-116.4014265	Live	2.3	B	Yes	None		No		Not Applicable	
JT 1447	34.11443032	-116.4014228	Live	2.4	B	Yes	None		No		Not Applicable	
JT 1448	34.11444163	-116.4014197	Live	0.4	A	No	None		No		Not Applicable	
JT 1449	34.11444278	-116.4014253	Live	0.3	A	No	None		No		Not Applicable	
JT 1450	34.114435	-116.4014225	Live	0.4	A	No	None		No		Not Applicable	
JT 1451	34.11445477	-116.4014251	Live	2.4	B	Yes	None		No		Not Applicable	
JT 1452	34.11445353	-116.4014875	Live	2.2	B	No	None		No		Not Applicable	
JT 1453	34.11443145	-116.4014565	Live	2.2	B	Yes	None		No		Not Applicable	
JT 1454	34.11434993	-116.4015528	Live	5.2	C	Yes	None		No		Not Applicable	Above ground fusion
JT 1455	34.11436003	-116.4015589	Live	0.3	A	No	None		No		Not Applicable	
JT 1456	34.11435422	-116.4015598	Live	1.9	B	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1457	34.11433097	-116.4015632	Live	2.8	B	Yes	None		No		Not Applicable	
JT 1458	34.11436527	-116.401613	Live	0.4	A	No	None		No		Not Applicable	
JT 1459	34.11436893	-116.4016038	Live	0.3	A	No	None		No		Not Applicable	
JT 1460	34.1143618	-116.4016036	Live	0.3	A	No	None		No		Not Applicable	
JT 1461	34.11435678	-116.4016092	Live	0.3	A	No	None		No		Not Applicable	
JT 1462	34.11434912	-116.401616	Live	3.3	B	Yes	None		No		Not Applicable	
JT 1463	34.11437323	-116.4016194	Live	0.4	A	No	None		No		Not Applicable	
JT 1464	34.11435702	-116.4016265	Live	1.8	B	No	None		Yes		Not Applicable	
JT 1465	34.11436727	-116.4016222	Live	0.4	A	No	None		No		Not Applicable	
JT 1466	34.11436858	-116.4016254	Live	0.2	A	No	None		No		Not Applicable	
JT 1467	34.1143874	-116.4016639	Live	1.1	B	Yes	None		No		Not Applicable	
JT 1468	34.11441388	-116.4016345	Live	0.4	A	No	None		No		Not Applicable	
JT 1469	34.11441658	-116.4016267	Live	0.3	A	No	None		No		Not Applicable	
JT 1470	34.11441467	-116.4016308	Live	0.3	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1471	34.11441147	-116.4016268	Live	0.3	A	No	None		No		Not Applicable	
JT 1472	34.11440828	-116.4016376	Live	0.4	A	No	None		No		Not Applicable	
JT 1473	34.11441382	-116.4016361	Live	0.3	A	No	None		No		Not Applicable	
JT 1474	34.11440815	-116.4016422	Live	0.4	A	No	None		No		Not Applicable	
JT 1475	34.11441317	-116.4016391	Live	2.4	B	Yes	None		No		Not Applicable	
JT 1476	34.11440672	-116.4016406	Live	0.3	A	No	None		No		Not Applicable	
JT 1477	34.11440853	-116.4016427	Live	2.3	B	Yes	None		No		Not Applicable	
JT 1478	34.11433303	-116.4018135	Live	5.6	C	Yes	None		No		Not Applicable	
JT 1479	34.11416928	-116.4019542	Live	5.9	C	Yes	None		No		Not Applicable	
JT 1480	34.11421023	-116.4019266	Live	3.6	B	Yes	None		No		Not Applicable	Branched at trunk
JT 1481	34.1142102	-116.4019399	Live	4.4	B	Yes	None		No		Not Applicable	
JT 1482	34.11426292	-116.4020277	Live	1.5	B	No	None		No		Not Applicable	
JT 1483	34.11426243	-116.4020263	Live	0.6	A	No	None		No		Not Applicable	
JT 1484	34.11425638	-116.4020255	Live	2.5	B	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1485	34.11426053	-116.402019	Live	3.8	B	Yes	None		No		Not Applicable	
JT 1486	34.11424062	-116.4020336	Live	1.8	B	No	None		No		Not Applicable	
JT 1487	34.11416882	-116.402117	Live	3.9	B	Yes	None		No		Not Applicable	
JT 1487	34.11424577	-116.4020305	Live	2.4	B	No	None		No		Not Applicable	
JT 1488	34.11424812	-116.4020259	Live	0.6	A	No	None		No		Not Applicable	
JT 1489	34.11425343	-116.4020291	Live	0.4	A	No	None		No		Not Applicable	
JT 1490	34.11459145	-116.4019905	Dead	0.9	A	No	None		No		Not Applicable	
JT 1491	34.11491803	-116.4019476	Live	5.3	C	Yes	None		No		Not Applicable	
JT 1492	34.1144787	-116.4016474	Live	2	B	No	None		Yes		Not Applicable	
JT 1493	34.11447767	-116.4016595	Live	2.4	B	No	None		No		Not Applicable	
JT 1494	34.1144856	-116.4016474	Live	3	B	Yes	None		No		Not Applicable	
JT 1495	34.11448652	-116.4016502	Live	0.4	A	No	None		No		Not Applicable	
JT 1496	34.11448477	-116.401645	Live	0.4	A	No	None		No		Not Applicable	
JT 1497	34.11448213	-116.4016411	Live	2.7	B	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1498	34.11447532	-116.4016526	Live	2.7	B	No	None		No		Not Applicable	
JT 1499	34.1143859	-116.401892	Live	0.4	A	No	None		No		Not Applicable	
JT 1500	34.11441018	-116.4018978	Live	0.6	A	No	None		No		Not Applicable	
JT 1501	34.11443803	-116.4014564	Live	4	B	Yes	None		No		Not Applicable	
JT 1503	34.11435888	-116.4015472	Live	2	B	No	None		No		Not Applicable	
JT 1503	34.11436942	-116.4015413	Live	1.4	B	No	None		No		Not Applicable	
JT 1504	34.11437183	-116.4015502	Live	2.4	B	No	None		No		Not Applicable	
JT 1505	34.11436408	-116.4015508	Live	1.8	B	No	None		No		Not Applicable	
JT 1507	34.114317	-116.4016202	Live	1.1	B	No	None		No		Not Applicable	
JT 1508	34.11432133	-116.4016163	Live	1.1	B	No	None		No		Not Applicable	
JT 1509	34.11431653	-116.4016314	Live	0.3	A	No	None		No		Not Applicable	
JT 1510	34.11432423	-116.4016262	Live	0.2	A	No	None		No		Not Applicable	
JT 1511	34.11433158	-116.4016269	Live	0.3	A	No	None		No		Not Applicable	
JT 1512	34.11433333	-116.4016313	Live	0.2	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1513	34.1143434	-116.4016414	Live	0.5	A	No	None		No		Not Applicable	
JT 1514	34.11435193	-116.4016359	Live	0.3	A	No	None		No		Not Applicable	
JT 1515	34.11436082	-116.4016856	Live	2.2	B	No	None		No		Not Applicable	
JT 1516	34.11442037	-116.4016452	Live	0.3	A	No	None		No		Not Applicable	
JT 1517	34.11441652	-116.4016441	Live	0.3	A	No	None		No		Not Applicable	
JT 1518	34.11419618	-116.4017418	Live	4	B	Yes	None		No		Not Applicable	
JT 1519	34.11417018	-116.4017214	Live	3.8	B	Yes	None		No		Not Applicable	
JT 1520	34.11425728	-116.4018139	Live	3.9	B	Yes	None		No		Not Applicable	
JT 1521	34.11425715	-116.4018224	Live	1.2	B	No	None		No		Not Applicable	
JT 1522	34.11426248	-116.401823	Live	1.8	B	No	None		No		Not Applicable	
JT 1523	34.11426877	-116.4018188	Live	6.5	C	Yes	None		No		Not Applicable	
JT 1524	34.11429238	-116.40194	Live	5.1	C	Yes	None		No		Not Applicable	
JT 1525	34.11428663	-116.4019421	Live	0.3	A	No	None		No		Not Applicable	
JT 1526	34.11428607	-116.401973	Live	2	B	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1527	34.11430045	-116.4019806	Live	0.6	A	No	None		No		Not Applicable	
JT 1528	34.11431702	-116.4019776	Live	0.7	A	No	None		No		Not Applicable	
JT 1529	34.11431052	-116.4019832	Live	1	B	No	None		No		Not Applicable	
JT 1530	34.11431065	-116.4019859	Live	1.5	B	No	None		No		Not Applicable	
JT 1531	34.11430102	-116.4019983	Live	5.3	C	Yes	None		No		Not Applicable	Above ground fusion
JT 1532	34.11429833	-116.402	Live	0.4	A	No	None		No		Not Applicable	
JT 1533	34.11429942	-116.4019947	Live	0.4	A	No	None		No		Not Applicable	
JT 1534	34.11420478	-116.4020789	Live	0.7	A	No	None		No		Not Applicable	
JT 1536	34.11457162	-116.4020402	Live	4.4	B	Yes	None		No		Not Applicable	
JT 1537	34.11455117	-116.4021078	Dead	2.2	B	Yes	None		No		Not Applicable	
JT 1538	34.11458823	-116.4019593	Dead	2.4	B	No	None		No		Not Applicable	
JT 1539	34.11482528	-116.402014	Dead	2.5	B	Yes	None	None	No		Not Applicable	
JT 1540	34.11484047	-116.4020322	Live	5.8	C	Yes	None		No		Not Applicable	
JT 1541	34.1145697	-116.4016107	Live	0.7	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 1542	34.1144897	-116.4016236	Live	1.2	B	No	None		No		Not Applicable	
JT 1543	34.11447145	-116.4017345	Live	0.7	A	No	None		No		Not Applicable	
JT 1544	34.11440417	-116.4018067	Live	5.8	C	Yes	None		No		Not Applicable	Above ground fusion
JT 1545	34.11440863	-116.4018298	Live	1.8	B	No	None		No		Not Applicable	
JT 1546	34.11441218	-116.4018263	Live	6	C	Yes	None		No		Not Applicable	
JT 1547	34.11440717	-116.4018624	Live	6.4	C	Yes	None		No		Not Applicable	
JT 1548	34.114386	-116.4018661	Live	0.6	A	No	None		No		Not Applicable	
JT 1549	34.11438662	-116.4018589	Live	2.6	B	No	None		No		Not Applicable	
JT 1550	34.11445163	-116.401934	Live	4.5	B	Yes	None		No		Not Applicable	
JT 1551	34.11446625	-116.4019367	Live	1.2	B	No	None		No		Not Applicable	
JT 1552	34.11449337	-116.4019702	Dead	3.2	B	Yes	None	None	No		Not Applicable	
JT 1601	34.11441612	-116.4018915	Live	5	C	Yes	None		No		Not Applicable	
JT 6001	34.11445805	-116.4014478	Live	0.6	A	No	None		No		Not Applicable	Unreachable
JT 6002	34.11447807	-116.4014473	Live	0.2	A	No	None		No		Not Applicable	Unreachable

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 6003	34.11446973	-116.4014507	Live	0.4	A	No	None		No		Not Applicable	Unreachable
JT 6004	34.1144729	-116.401443	Live	3.4	B	No	None		No		Not Applicable	Unreachable
JT 6010	34.11436133	-116.4015461	Live	3.8	B	Yes	None		No		Not Applicable	Unreachable
JT 6011	34.11423163	-116.4016362	Live	0.8	A	No	None		No		Not Applicable	
JT 6020	34.11440058	-116.4016546	Live	0.3	A	No	None		No		Not Applicable	Unreachable
JT 6021	34.11440882	-116.4016449	Live	1	B	No	None		No		Not Applicable	Unreachable
JT 6022	34.11440695	-116.4016488	Live	0.8	A	No	None		No		Not Applicable	
JT 6023	34.114412	-116.4016553	Live	0.2	A	No	None		No		Not Applicable	Unreachable
JT 6024	34.11442195	-116.4016451	Live	0.4	A	No	None		No		Not Applicable	Unreachable
JT 6025	34.11441873	-116.4016479	Live	0.4	A	No	None		No		Not Applicable	Unreachable
JT 7000	34.11511087	-116.4011087	Live	6.9	C	Yes	None		No		Not Applicable	Not Accessible
JT 7001	34.11525282	-116.4011966	Live	3	B	Yes	None		No		Not Applicable	In developed area
JT 7002	34.11525667	-116.4011956	Live	2.4	B	Yes	None		No		Not Applicable	In developed area
JT 7003	34.11526257	-116.4011963	Live	3.6	B	Yes	None		No		Not Applicable	In developed area

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 7004	34.11528067	-116.4011964	Live	0.3	A	No	None		No		Not Applicable	In developed area
JT 7005	34.11527882	-116.4011678	Live	0.3	A	No	None		No		Not Applicable	
JT 7006	34.11527308	-116.4011753	Live	3	B	Yes	None		No		Not Applicable	In developed area
JT 7007	34.11584438	-116.4014979	Live	2.4	B	Yes	None		No		Not Applicable	
JT 7008	34.11582237	-116.4015081	Live	2.6	B	No	None		No		Not Applicable	
JT 7009	34.11561075	-116.4017236	Live	10	C	Yes	None		No		Not Applicable	
JT 7010	34.11574792	-116.4017474	Live	2.8	B	No	None		No		Not Applicable	In developed area
JT 7011	34.11557828	-116.4019187	Live	4	B	Yes	None		No		Not Applicable	In developed area
JT 7012	34.11557063	-116.4020454	Live	4	B	Yes	None		No		Not Applicable	In developed area
JT 7013	34.11527348	-116.4017323	Live	0.3	A	No	None		No		Not Applicable	
JT 7014	34.11527012	-116.4017401	Live	2.2	B	No	None		No		Not Applicable	In developed area
JT 7015	34.11526318	-116.4017444	Live	0.4	A	No	None		No		Not Applicable	
JT 7016	34.11527473	-116.4017432	Live	2.5	B	No	None		No		Not Applicable	
JT 7017	34.11526732	-116.4017551	Live	2.3	B	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 7018	34.11526273	-116.4017412	Dead	0.2	A	No	None		No		Not Applicable	
JT 7019	34.11526892	-116.4017423	Live	0.3	A	No	None		No		Not Applicable	
JT 7020	34.11526797	-116.4017474	Live	0.3	A	No	None		No		Not Applicable	
JT 7021	34.11525347	-116.4017354	Live	0.3	A	No	None		No		Not Applicable	In developed area
JT 7022	34.11525818	-116.4017371	Live	5.5	C	Yes	None		No		Not Applicable	In developed area
JT 7023	34.11525285	-116.4017355	Live	0.3	A	No	None		No		Not Applicable	in developed area
JT 7024	34.115261	-116.4017416	Live	0.2	A	No	None		No		Not Applicable	
JT 8001	34.11518817	-116.401146	Live	2.1	B	No	None		No		Not Applicable	In developed area
JT 8002	34.11558885	-116.401245	Live	0.4	A	No	None		No		Not Applicable	
JT 8003	34.1155843	-116.4012354	Live	0.3	A	No	None		No		Not Applicable	
JT 8004	34.11558535	-116.4012363	Live	0.1	A	No	None		No		Not Applicable	
JT 8005	34.11559002	-116.401236	Live	4.2	B	Yes	None		No		Not Applicable	
JT 8006	34.11527925	-116.4017233	Live	5.1	C	Yes	None		No		Not Applicable	
JT 8007	34.1152737	-116.4017286	Live	0.5	A	No	None		No		Not Applicable	

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Impact to Tree (removal, trim, relocation, other or none)	Transplantable	Will project activities be within 15 meters of tree	Relocation	Additional Notes
JT 8008	34.11526833	-116.4017336	Live	0.1	A	No	None		No		Not Applicable	
JT 8009	34.11527478	-116.4017261	Live	0.6	A	No	None		No		Not Applicable	
JT 8010	34.11526522	-116.4017109	Live	0.2	A	No	None		No		Not Applicable	
JT 8011	34.11526858	-116.4017209	Live	0.3	A	No	None		No		Not Applicable	
JT 8012	34.11526618	-116.4017234	Live	1.9	B	No	None		No		Not Applicable	
JT 8013	34.11527258	-116.4017211	Live	2.3	B	No	None		No		Not Applicable	
JT 8014	34.11526898	-116.4017189	Live	0.2	A	No	None		No		Not Applicable	
JT 8015	34.11527228	-116.4017297	Live	0.3	A	No	None		No		Not Applicable	

Table 4-2-2: Western Joshua Tree Census table showing Off-site Joshua trees within 15-meter (~50-ft). (Note: The GPS locations of the Joshua trees are provided below along with the height and a general health assessment.) (Note: Thes Joshua trees in this table were marked visually and no metal tag was affixed to the trees.)

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Transplantable	Impact to Tree (removal, trim, relocation, other or none)	Will project activities be within 15 meters of tree	Relocation
Offsite JT 39	34.11568268	-116.4022215	Live	5	C	Yes	None				Not Applicable
Offsite JT 40	34.11501094	-116.4022765	Live	3.8	B	Yes	None				Not Applicable
Offsite JT 41	34.11500788	-116.4022785	Live	1.3	B	No	None				Not Applicable
Offsite JT 42	34.11500983	-116.4022731	Live	0.5	A	No	None				Not Applicable
Offsite JT 43	34.11501122	-116.4022725	Live	0.5	A	No	None				Not Applicable
Offsite JT 44	34.11442191	-116.4022064	Live	1.8	B	No	None				Not Applicable
Offsite JT 45	34.11442358	-116.4022061	Live	3.2	B	Yes	None				Not Applicable
Offsite JT 46	34.11442802	-116.4022068	Live	2.4	B	Yes	None				Not Applicable
Offsite JT 47	34.11442968	-116.4022058	Live	3	B	Yes	None				Not Applicable
Offsite JT 48	34.11409668	-116.4019553	Live	2.4	B	No	None				Not Applicable
Offsite JT 49	34.11403987	-116.4014768	Live	1.5	B	No	None				Not Applicable
Offsite JT 50	34.11409573	-116.4013626	Live	1.9	B	No	None				Not Applicable
Offsite JT 51	34.11406497	-116.4012485	Live	2.1	B	Yes	None				Not Applicable

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Transplantable	Impact to Tree (removal, trim, relocation, other or none)	Will project activities be within 15 meters of tree	Relocation
Offsite JT 52	34.11418139	-116.401053	Live	2.6	B	Yes	None				Not Applicable
Offsite JT 53	34.11434863	-116.4010534	Live	7.9	C	Yes	None				Not Applicable
Offsite JT 54	34.11466813	-116.4010524	Live	1	B	No	None				Not Applicable
Offsite JT 55	34.11467083	-116.4010631	Live	0.9	A	No	None				Not Applicable
Offsite JT 1001	34.11530167	-116.4022541	Live	6.8	C	Yes	None				Not Applicable
Offsite JT 1002	34.11551641	-116.4022577	Live	1.1	B	No	None				Not Applicable
Offsite JT 1003	34.11551724	-116.402245	Live	0.4	A	No	None				Not Applicable
Offsite JT 1004	34.11551946	-116.402245	Live	0.3	A	No	None				Not Applicable
Offsite JT 1005	34.11551641	-116.4022443	Live	4.4	B	Yes	None				Not Applicable
Offsite JT 1006	34.11551252	-116.4022453	Live	4.2	B	Yes	None				Not Applicable
Offsite JT 1007	34.11432943	-116.4022268	Live	0.6	A	No	None				Not Applicable
Offsite JT 1008	34.11425957	-116.402251	Live	2.4	B	No	None				Not Applicable
Offsite JT 1009	34.11407385	-116.4022248	Live	2.4	B	Yes	None				Not Applicable
Offsite JT 1010	34.11410515	-116.4014165	Live	2.6	B	Yes	None				Not Applicable
Offsite JT 1011	34.1140759	-116.4013241	Live	0.4	A	No	None				Not Applicable

Joshua Tree	Latitude (WGS 84)	Longitude (WGS 84)	Live or Dead	Height of Tree (meters)	Size Class	Mature Tree (Branched)	Flowering or Fruiting Stage (flowers, fruits, or none)	Transplantable	Impact to Tree (removal, trim, relocation, other or none)	Will project activities be within 15 meters of tree	Relocation
Offsite JT 1012	34.11406907	-116.4013378	Live	0.4	A	No	None				Not Applicable
Offsite JT 1013	34.11411491	-116.4009468	Live	0.4	A	No	None				Not Applicable
Offsite JT 1014	34.11411713	-116.4009471	Live	1.1	B	No	None				Not Applicable
Offsite JT 1015	34.11411491	-116.4009481	Live	1.4	B	No	None				Not Applicable
Offsite JT 1016	34.11412545	-116.4009475	Live	3.1	B	Yes	None				Not Applicable
Offsite JT 1017	34.11438777	-116.4009703	Live	4.5	B	Yes	None				Not Applicable
Offsite JT 1018	34.11450769	-116.4009981	Live	7.5	C	Yes	None				Not Applicable
Offsite JT 1019	34.11466369	-116.4010085	Live	0.5	A	No	None				Not Applicable
Offsite JT 1020	34.11466729	-116.4010078	Live	4.2	B	Yes	None				Not Applicable

5.0 CONCLUSIONS

The site is located within the standard mitigation fee area by CDFW for the Western Joshua Tree Conservation Act. A total of 361 Joshua trees occur within the boundaries of the property and 37 Joshua trees occur within the 15-meter (~50 foot) buffer surrounding the site. (Figures 3 and 4). As stated above, based on the evaluation and analysis of each tree on-site it was determined that 178 (49.3%) Joshua trees are less than 1 meter in height and are categorized under size class “A”. There are 158 (43.8%) Joshua trees 1 meter or greater but less than 5 meters in height categorized under size class “B”. There are 25 (6.9%) Joshua trees 5 meters or greater in height categorized under size class “C”. As indicated in Table 4-1, the majority of the Joshua trees are under 5 meters in height.

Of the number of species protected under the CDNPA, only the Mojave yucca was observed on site. During the October field investigations 87 Mojave yucca were identified within the project boundaries. The State Department of Food and Agriculture is responsible for regulation and harvest of any species covered under the CDNPA in tandem with both CDFW and County agencies.

As of July 10, 2023, California legislature passed and signed the Western Joshua Tree Conservation Act (WJTCA, Senate Bill 122) into effect listing the western Joshua tree (*Yucca brevifolia*) as a candidate endangered species. The WJTCA authorizes CDFW to oversee the various permitting processes dealing with mitigation and/or removal of western Joshua trees. Therefore, any attempt to remove a Joshua tree from its current position will require a California Endangered Species Act Incidental Take Permit (CESA, ITP) or a Western Joshua Tree Conservation Act Incidental Take Permit (WJTCA, ITP). CDFW is the lead agency in the decision making of the projects forward progress pertaining to western Joshua trees.

The project proponent is proposing improvements to an area already disturbed area, construction is limited to the restoration of a previous paved “parking area” where a decorative planter bed is now located. The existing garden, labyrinth and outdoor gathering areas are to remain. The project proponent has elected to have the western Joshua trees

remain in place during construction activities (concrete infill) and meets the requirements of avoiding them by 50 feet as shown in Figure 6. Leaving the Joshua trees in perpetuity is preferred as the species is listed as a candidate state threatened species. Areas where construction will occur have been previously disturbed and compacted by both pedestrian and vehicular traffic due to the area being previously developed. It is the professional opinion of RCA Associates Inc. that the project proponent may commence construction/paving activities within the formerly paved “parking area” providing that a minimum 50-foot buffer for each western Joshua tree be utilized based on the fact that the lot has been heavily disturbed or developed in the past. The compacted soils in that area make for poor habitat and are unlikely to support any future growth for the western Joshua tree. During construction, the western Joshua tree shall be protected and avoided by a minimum of 50 feet and to further protect the tree during the construction phase, it is recommended that the project proponent protect the tree further by placing high visibility vinyl fencing creating a perimeter which will further protect the tree from any accidental damage during the construction phases.

6.0 REFERENCES

- Brittingham, S. and W. Lawrence. 2000. Facilitation of *Yucca brevifolia* Recruitment by Mojave Desert Shrubs. *Western North American Naturalist* 60(4), pp. 374-383.
- Hickman, James C. *The Jepson Manual Higher Plants of California*. University of California Press. Berkeley, CA. 3rd Edition. 1996.
- Holland, Robert F. 1986 Preliminary Description of the Terrestrial Natural Communities of California. Prepared for the California Natural Diversity Data Base. California Department of Fish and Game. Sacramento, California. 160 pp.
- Johnson, H. 1976 vegetation and Plant Communities of Southern California Deserts- a functional view. In *Symposium proceedings: Plant communities of Southern California*. June Latting, editor. California Native Plant Society, Spec. No. 2 Berkeley, CA.
- Munz, Philip A. 1974. *A Flora of Southern California*. University of California Press, Berkeley, California. 1086 pp.
- SB 122, Committee on Budget and Fiscal Review. Public resources trailer bill. SEC 5, Chapter 11.5. Western Joshua Tree Conservation Act.
- Western Joshua Tree Conservation Act 1927. Added by Stats. 2023, Ch. 51, Sec. 5. (SB 122) Effective July 10, 2023. Conditionally operative pursuant to Section 1927.2.

7.0 CERTIFICATION

I hereby certify the statements furnished above and in the attached exhibits, present the data and information required for this Joshua tree survey and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Fieldwork conducted for this survey was performed by Ryan D. Hunter and Brian S. Bunyi.

Date: November 19, 2024, Signed: *Ryan D. Hunter*
Brian S. Bunyi

Field Work Performed by: Ryan D. Hunter
Principal Environmental Scientist & Wildlife Biologist
Brian S. Bunyi
Environmental Scientist & Wildlife Biologist



APPENDIX A

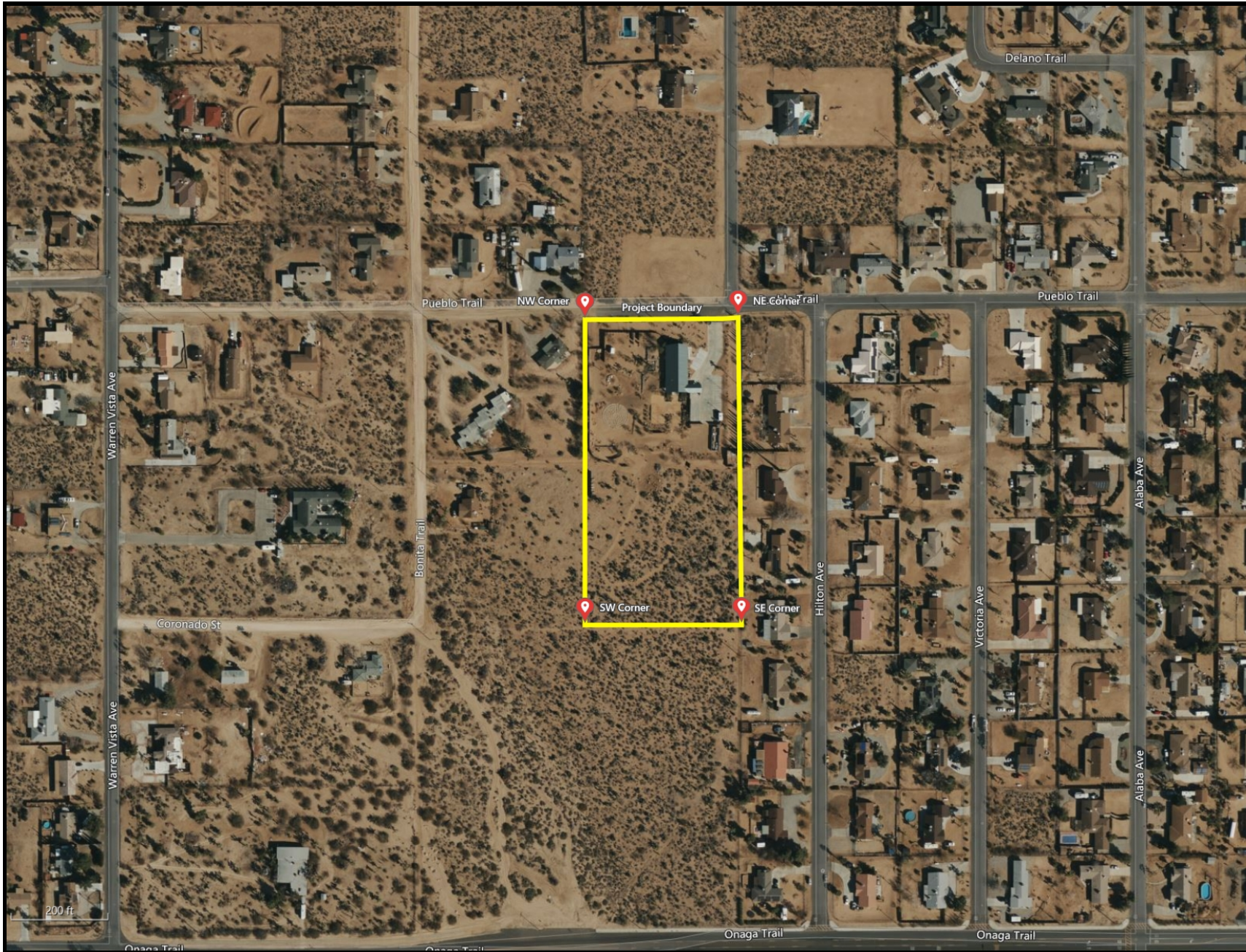
Figures



Legend

 Project Boundary

	Figure 1: Regional Exhibit Produced By: RCA Associates Inc.	SW of the Intersection of Pueblo Trail and Chula Vista Ave. in Yucca Valley, CA.	Source: Uinta Software	
			Acreage: 4.7-acres (Approximately)	
			Project #: 2025-89	



Legend



-  Project Boundary
-  Site Corners



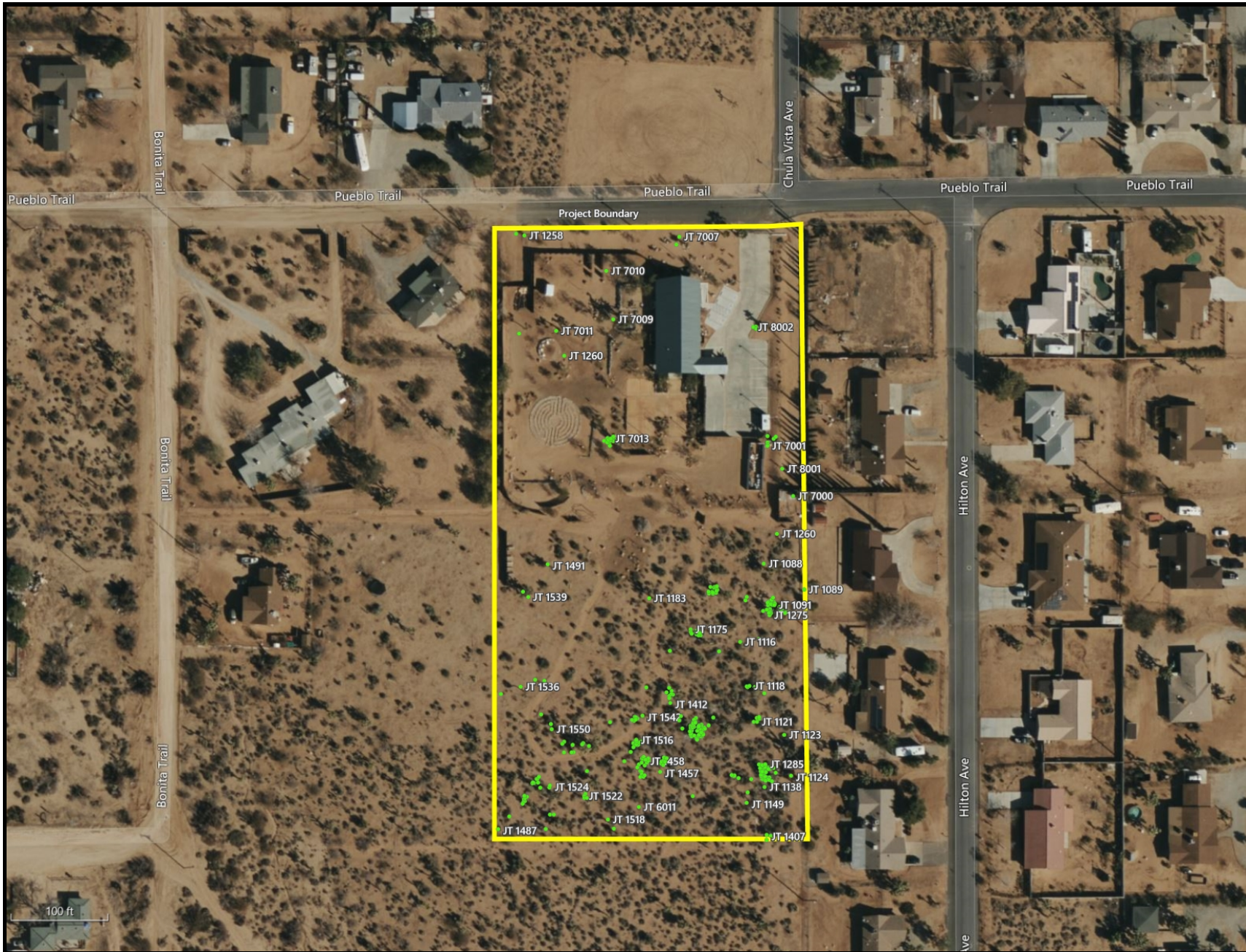
Figure 2: Vicinity Exhibit

Produced By: RCA Associates Inc.

SW of the Intersection of Pueblo Trail and Chula Vista Ave. in Yucca Valley, CA.

Source:	Uinta Software
Acreeage:	4.7-acres (Approximately)
Project #:	2025-89





- ### Legend
- 361 Joshua Trees
 - Project Boundary

Points or labels may be obscured due to formatting requirements please refer to the provided KML for more accuracy.

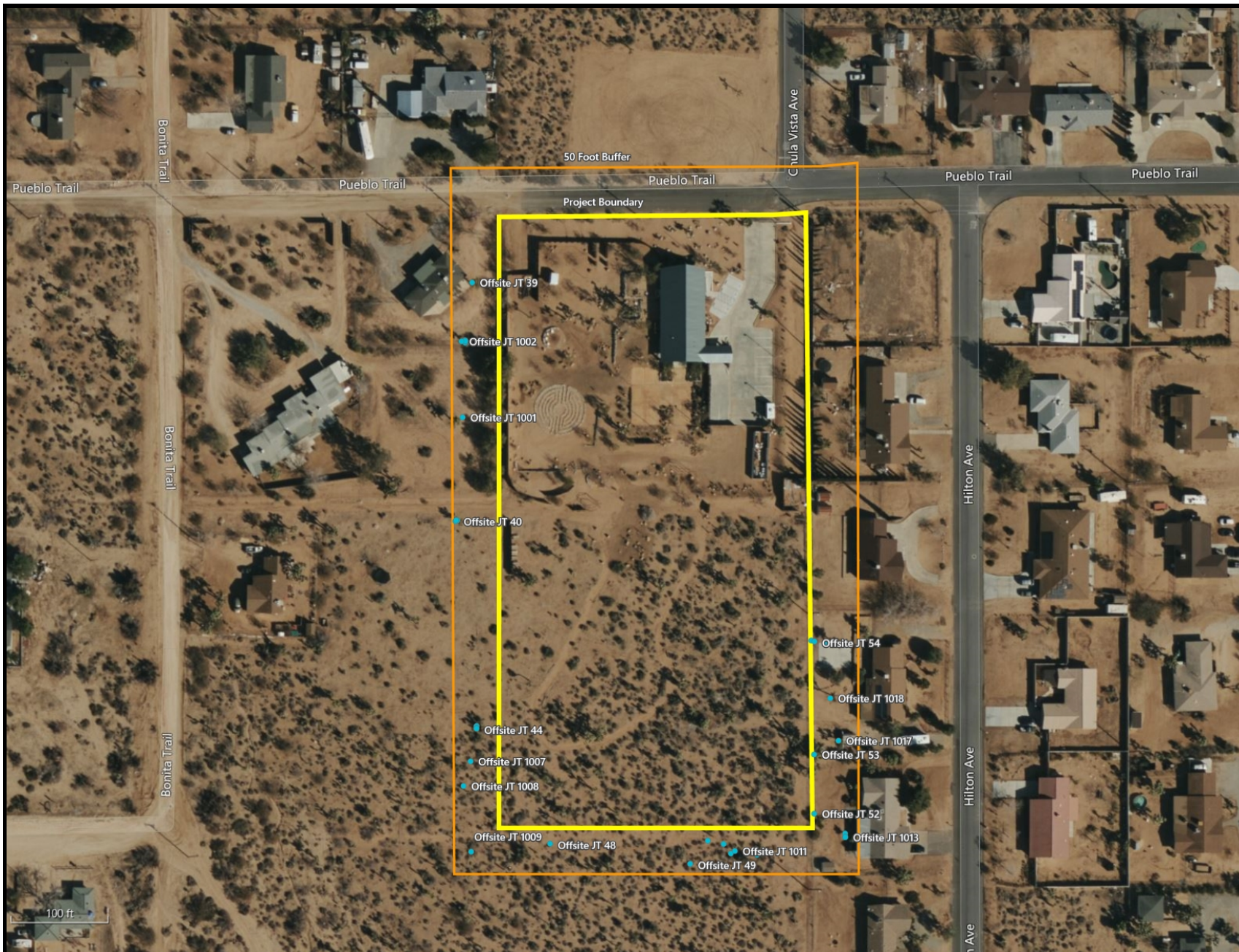


Figure 3: Locations of Onsite Western Joshua Tree




SW of the Intersection of Pueblo Trail and Chula Vista Rd. in Yucca Valley, CA.

Source:	Uinta Software
Acreeage:	4.7-acre (Approximately)
Project #:	2025-89





Legend

-  50 Foot Buffer
-  37 Offsite JT
-  Project Boundary

Points or labels may be obscured due to formatting restrictions please refer to the provided KML for more accuracy.

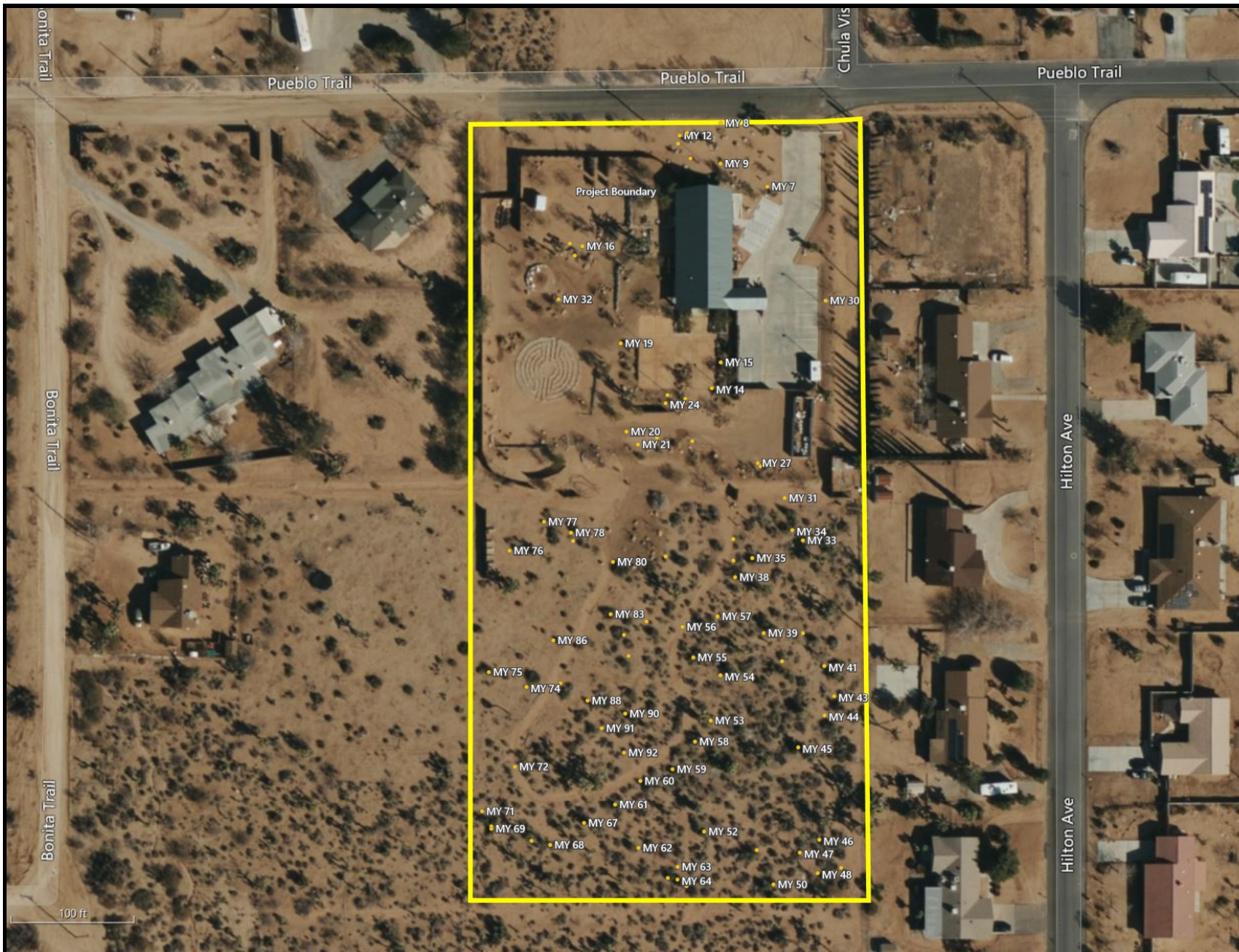


Figure 4: Locations of Offsite Joshua Tree

SW of the Intersection of Pueblo Trail and Chula Vista Ave. in Yucca Valley, CA.



Source:	Uinta Software
Acreeage:	4.7-acres (Approximately)
Project #:	2025-89





- ### Legend
- 87 Mojave Yucca
 - ▭ Project Boundary

Points or labels may be obscured due to formatting requirements please refer to the provided KML for more accuracy.

	Figure 5: Locations of Mojave Yucca	SW of the Intersection of Pueblo Trail and Chulo Vista Rd. in Yucca Valley, CA.	Source: Uinta Software	
			Acreeage: 4.7-acres (Approximately)	
			Project #: 2025-89	

APPENDIX B

**California Department of Fish and Game Code
(1927)**

Chapter 11.5 (commencing with Section 1927) is added to Division 2 of the Fish and Game Code, to read:

CHAPTER 11.5. Western Joshua Tree Conservation Act

1927. This chapter shall be known, and may be cited as, the Western Joshua Tree Conservation Act.

1927.1. For purposes of this chapter, the following definitions apply:

(a) "Accessory structure" means a subordinate structure, the use of which is incidental to an existing or contemporaneously constructed single-family residence, including, an accessory dwelling unit, addition to an existing single-family residence, garage, carport, swimming pool, patio, greenhouse, storage shed, gazebo, septic tank, sewer connection, solar panels, fence, or gravel or paved driveway.

(b) "California Endangered Species Act" means the act established pursuant to Chapter 1.5 (commencing with Section 2050) of Division 3.

(c) "Conserve" or "conservation" means to use, and the use of, methods and procedures that are necessary to bring species listed pursuant to Chapter 1.5 (commencing with Section 2050) of Division 3 to the point at which the measures provided pursuant to Chapter 1.5 (commencing with Section 2050) of Division 3 are no longer necessary, and for species that are not listed to maintain or enhance the condition of the species so that listing will not become necessary.

(d) "Dead western Joshua tree" means a western Joshua tree that meets at least one of the following criteria:

(1) Has not burned and has no green leaves, no new growth on the main stem, and no basal sprouts.

(2) Has partially or fully burned at least 18 months prior and otherwise satisfies paragraph (1).

(3) Has fallen and is completely detached from its roots or has fallen and its roots are no longer in contact with the soil.

(e) "Desert native plant specialist" means an arborist certified by the International Society of Arborists, or an individual with at least five years of professional experience with relocation or restoration of native California desert vegetation.

(f) "Fee" means the elective fee described in subdivisions (d) and (e) of Section

1927.3, which is to be deposited into the fund.

(g) "Fund" means the Western Joshua Tree Conservation Fund as described in Section 1927.5.

(h) "Multifamily residence" means an apartment building, rowhouse, town house, condominium, or manufactured building that consists of two or more attached dwelling units designed for occupancy by two or more families living independently of one another.

(i) "Public works project" means a project involving the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement of any kind.

(j) "Relocated" or "relocation" means the removal of a living western Joshua tree and a sufficient portion of its root mass from the ground and transplanting it.

(k) "Single-family residence" means a single detached building that has been, or will be, constructed and used as living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by the California Building Standards Code, for not more than one household.

(l) "Western Joshua tree" means *Yucca brevifolia*, an evergreen, tree-like plant that has been treated as a member of the asparagus family (*Asparagaceae*).

1927.2. (a) No person or public agency shall import into this state, export out of this state, or take, possess, purchase, or sell within this state, a western Joshua tree or any part or product of the tree, except as authorized pursuant to any of the following, as applicable:

(1) This chapter.

(2) The California Endangered Species Act.

(3) The Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3).

(b) During any period in which the western Joshua tree has been designated by the commission as a candidate for listing under the California Endangered Species Act, any person or public agency seeking a take authorization for the western Joshua tree may obtain a take authorization as provided by the California Endangered Species Act or by electing to pay the fees set forth in Section 1927.3.

(c) (1) This chapter is a change in state law, within the meaning of paragraph (1) of subdivision (c) of Section 2075.5, that has a direct and significant impact on the commission's determination as to whether the petitioned action is warranted. Pursuant to subdivision (c) of Section 2075.5, the commission shall reopen the administrative record for the commission's determination for the purpose of assessing the impact of the conservation program established by this chapter.

(2) In making the assessment described in paragraph (1), the commission shall consider all of the following:

(A) The effectiveness of any conservation measures funded through expenditures of fees by the department pursuant to Section 1927.5.

(B) The conservation plan developed by the department and approved by the commission pursuant to Section 1927.6.

(C) Any annual reports submitted to the commission by the department pursuant to Section 1927.7.

(D) Any recommendations submitted to the commission by the department pursuant to subdivision (a) of Section 1927.8.

(E) The fee adjustments, if any, adopted by the department pursuant to subdivision (b) of Section 1927.8.

(F) An updated status review to be submitted to the commission by the department no later than January 1, 2033, unless the commission directs the department to submit the updated status review sooner.

(d) If the commission determines that listing the western Joshua tree as endangered or threatened pursuant to the California Endangered Species Act is not warranted, this chapter shall remain operative and the authorization of take of a western Joshua tree shall be pursuant to this chapter.

(e) If the commission determines that listing the western Joshua tree as endangered or threatened pursuant to the California Endangered Species Act is warranted, this chapter shall become inoperative and the authorization of take of a western Joshua tree shall only be pursuant to Chapter 1.5 (commencing with Section 2050) of Division 3 or pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3).

(f) Upon the approval of a natural community conservation plan that provides for

the conservation of the western Joshua tree as a covered species, the authorization of take of a western Joshua tree for any project or activity covered by the plan shall only be pursuant to Chapter 10 (commencing with Section 2800) of Division 3.

(g) The provisions of the Native Plant Protection Act (Chapter 10 (commencing with Section 1900)), and the California Desert Native Plants Act (Division 23 (commencing with Section 80001) of the Food and Agricultural Code), shall not apply to the western Joshua tree.

(h) This section shall not preclude the department from authorizing, by permit or memorandum of understanding, the taking, possession, purchase, or sale within the state of a western Joshua tree to aid the conservation and recovery of the western Joshua tree, or entering into memoranda of understanding with California Native American tribes to provide for the taking and possession of western Joshua trees for tribal cultural purposes, or as otherwise required by applicable law.

(i) Any authorization issued by the department pursuant to Section 2081 or 2084, before the enactment of this chapter, to import, export, take, possess, purchase, or sell a western Joshua tree shall be valid and remain in effect after the enactment of this chapter pursuant to the terms of the authorization.

1927.3. (a) The department may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met:

(1) The permittee submits to the department for its approval a census of all western Joshua trees on the project site, including size information and photographs, that categorize the western Joshua trees according to the following size classes:

(A) Less than one meter in height.

(B) One meter or greater but less than five meters in height.

(C) Five meters or greater in height.

(2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to a western Joshua tree.

(3) The permittee mitigates all impacts to, and taking of, the western Joshua tree. The measures required to meet this obligation shall be roughly proportional in extent to the impact of the authorized taking of the species. When various measures are

available to meet this obligation, the measures required shall maintain the permittee's objectives to the greatest extent possible. All required measures shall be capable of successful implementation. The permittee shall ensure adequate funding to implement the mitigation measures. In lieu of completing the mitigation obligation on its own, the permittee may elect to satisfy this mitigation obligation by paying fees, pursuant to the fee schedule in subdivision (d) or (e), for deposit into the fund.

(4) (A) The department may include permit conditions that require the permittee to relocate one or more of the western Joshua trees. If relocation is required, the permittee shall implement measures to assist the survival of relocated trees, and to comply with any other reasonable measures required by the department to facilitate the successful relocation and survival of the western Joshua trees. These relocation measures shall include, but are not limited to, all of the following:

(i) A requirement that the relocated western Joshua tree is placed in a location and with proper orientation to improve its survival.

(ii) A requirement that western Joshua trees are relocated at a time that maximizes their survival when feasible.

(iii) A requirement that a desert native plant specialist be onsite to oversee relocation.

(B) The department may limit relocation to certain size classes of trees.

(C) By July 1, 2024, the department shall adopt guidelines and relocation protocols, based on the best available science, to relocate western Joshua trees successfully. The department shall consult with desert native plant specialists as part of the development of these guidelines and relocation protocols. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the development, adoption, or amendment of guidelines and relocation protocols pursuant to this subparagraph.

(b) For purposes of this section, each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of its proximity to any other western Joshua tree stem or trunk.

(c) The department may enter into an agreement with any county or city to delegate to the county or city the ability to authorize the taking of a western Joshua tree associated with developing single-family residences, multifamily

residences, accessory structures, and public works projects concurrent with its approval of the project, if all of the following conditions are met:

(1) The county or city adopts an ordinance that requires as a condition of any approval or permit issued under the authority of an agreement entered into pursuant to this subdivision satisfaction of the requirements of this chapter.

(2) Except as provided otherwise in this subdivision, the county or city ensures that the permittee satisfies all of the requirements of subdivision (a) of this section.

(3) The project will take no more than 10 individual western Joshua trees on the project site where the project proponent proposes to construct a single-family residence, multifamily residence, or accessory structure, or no more than 40 individual western Joshua trees on the project site on which a public agency proposes to undertake a public works project. Before authorizing the take of more than 20, but no more than 40, individual western Joshua trees for a public works project, the county or city shall obtain the department's written concurrence that the project has avoided and minimized the take of western Joshua trees to the maximum extent practicable.

(4) The county or city shall collect any fees for permits issued and remit them quarterly to the fund as directed by the department.

(5) The county or city entering into an agreement pursuant to this subdivision may impose a reasonable fee to cover the administrative costs of issuing the permit.

(6) (A) The department retains express authority to suspend or revoke the county or city's take authorization in the event the department determines the county or city has violated the terms of the agreement, or this chapter, the county or city fails to implement or enforce the terms of the agreement or this chapter, or the department determines that the local population of western Joshua trees within, or in the vicinity of, that county or city needs further protection. The county or city shall conduct an annual assessment of the status of the local population within the county or city and submit the assessment to the department. The department shall determine if the population needs further protection to provide for the conservation of the species.

(B) The department shall adopt standardized survey and assessment methods for the annual assessment required pursuant to subparagraph (A), including requiring that a desert native plant specialist conduct the assessment. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government

Code shall not apply to the development, adoption, or amendment of standardized survey and assessment methods pursuant to this subparagraph.

(7) The county or city shall be required to submit to the department quarterly reports documenting the number of permits issued, photographs and other evidence demonstrating that take and other impacts were avoided and minimized to the maximum extent practicable, the number and size class of western Joshua trees authorized to be taken, the number of western Joshua trees encroached upon, the number of western Joshua trees lethally removed, the number and location of western Joshua trees relocated, the amount of fees collected, and other information required by the department in the agreement.

(d) Any person or public agency receiving a take authorization pursuant to this chapter for a project that meets the criteria set forth in paragraph (1) may elect, in lieu of satisfying the mitigation obligation provided for in paragraph (3) of subdivision (a), to pay fees in the amounts provided in paragraph (2) for deposit into the fund.

(1) (A) Any project in the area bounded by the intersection of Highway 99 and Highway 58, then east along Highway 58 to the intersection of Interstate 15, then north along Interstate 15 to the intersection of Highway 247, then south along Highway 247 to the intersection of Highway 18, then west along Highway 18 to the intersection of Highway 138, then west and north along Highway 138 to the intersection of Interstate 5, then north along Interstate 5 to the intersection of Highway 99, then north along Highway 99 to Highway 58.

(B) Any project receiving a permit issued by a county or city pursuant to an agreement with the department pursuant to subdivision (c), regardless of location.

(2) (A) One thousand dollars (\$1,000) for each western Joshua tree five meters or greater in height.

(B) Two hundred dollars (\$200) for each western Joshua tree one meter or greater but less than five meters in height.

(C) One hundred fifty dollars (\$150) for each western Joshua tree less than one meter in height.

(e) Any person or public agency receiving a take authorization pursuant to this chapter for a project that meets the criteria set forth in paragraph (1) may elect, in lieu of satisfying the mitigation obligation provided for in paragraph (3) of

subdivision (a), to pay fees in the amounts provided in paragraph (2) for deposit into the fund.

(1) (A) Notwithstanding paragraph (1) of subdivision (d), any project within two miles of Joshua Tree National Park, or any unit of the state park system.

(B) Any project that does not meet the criteria set forth in paragraph (1) of subdivision (d).

(2) (A) Two thousand five hundred dollars (\$2,500) for each western Joshua tree five meters or greater in height.

(B) Five hundred dollars (\$500) for each western Joshua tree one meter or greater but less than five meters in height.

(C) Three hundred forty dollars (\$340) for each western Joshua tree less than one meter in height.

(f) Upon request, the department may authorize a reduction in the amount of the fees prescribed by subdivisions (d) and (e) for any western Joshua tree conserved by a project proponent through the acquisition of compensatory habitat mitigation land otherwise required by law for the project.

(g) (1) The permittee shall bear responsibility for implementing measures to assist the survival of western Joshua trees relocated pursuant to paragraph (4) of subdivision (a).

(2) Unless specifically required by written agreement, a landowner that agrees in writing to allow western Joshua trees to be relocated onto land it owns shall not be liable for the continued survival of the western Joshua trees, shall not be required to manage or maintain the translocated western Joshua trees, and shall not be required to change existing land use practices, provided that the land use practices do not result in the taking, possession, sale, or further translocation of the western Joshua trees.

1927.4. (a) The department may issue a permit to authorize either the removal or trimming of dead western Joshua trees or the trimming of live western Joshua trees.

(1) Upon receipt of a permit and payment of any applicable administrative fees, a property owner or its agent may remove a detached dead western Joshua tree or the detached limb of a western Joshua tree. All other removals and all trimming of western Joshua trees authorized by permits issued pursuant to this subdivision shall

be completed by a desert native plant specialist.

(2) The department may issue permits pursuant to this section, without payment of fees or other mitigation, provided that the dead western Joshua trees or any limbs to be removed meet one of the following:

(A) Have fallen over and are within 30 feet of a structure.

(B) Are leaning against an existing structure.

(C) Create an imminent threat to public health or safety.

(3) A property owner seeking a permit pursuant to this subdivision shall submit a permit request to the department on a form to be provided by the department that requires the following information:

(A) The name, telephone number, mailing address, and email address of the property owner seeking the permit.

(B) The street address of the property on which the western Joshua trees to be removed or trimmed are located. If no street address is available, the property owner shall include the assessor's parcel number.

(C) Photographs of the western Joshua trees that visually depict the dead trees or the trees to be trimmed and that demonstrate that the western Joshua tree meets one or more of the requirements of paragraph (2).

(D) A signed attestation from the property owner or signed certification by a desert native plant specialist that the tree meets the definition of a dead western Joshua tree.

(4) (A) Within 30 days of receipt of a request for a permit pursuant to subparagraph (A) or (B) of paragraph (2), the department shall either issue a permit allowing for the removal or trimming, or deny the request if the request does not demonstrate a permit can be issued pursuant to this section.

(B) Within 10 days of receipt of a request for a permit pursuant to subparagraph (C) of paragraph (2), the department shall either issue a permit allowing for the removal or trimming, or deny the request if the request does not demonstrate a permit can be issued pursuant to this section.

(C) If the department issues a permit, it shall provide the property owner 60 days in which to complete the removal or trimming. The department may extend this 60-

day period in writing at its discretion.

(D) If the department denies the permit request, the property owner may resubmit the request with additional information and photographs. Resubmissions pursuant to this subdivision shall be processed as new permit requests.

(5) Within 30 days of completing the removal or trimming of one or more western Joshua trees in accordance with a permit issued pursuant to this section, the property owner shall submit, by mail or email, photographs of the site at which the western Joshua trees were removed or trimmed pursuant to the permit.

(b) The department may enter into an agreement with any county or city to delegate to the county or city the ability to authorize the removal or trimming of dead western Joshua trees or the trimming of live western Joshua trees, provided that the county or city ensures that all permits issued satisfy the requirements of subdivision (a). The county or city shall be required to submit to the department quarterly reports documenting the number of permits issued, the number and size class of western Joshua trees authorized to be removed or trimmed, and any other information specified in the agreement with the department. A county or city entering into an agreement pursuant to this subdivision may impose a reasonable fee to cover the administrative costs of issuing the permit.

(c) (1) The department retains express authority to suspend or revoke an agreement with any county or city to delegate to the county or city the ability to authorize the removal or trimming of dead western Joshua trees or the trimming of live western Joshua trees in the event the department determines the county or city has violated the terms of the agreement or this chapter, the county or city fails to implement or enforce the terms of the agreement or this chapter, or the local population of western Joshua trees within, or in the vicinity of, that county or city needs further protection. A county or city that has entered into an agreement with the department shall conduct an annual assessment of the status of the local population of western Joshua trees within the county or city and submit the assessment to the department. The department shall determine if the population needs further protection to provide for the conservation of the species.

(2) The department shall adopt standardized survey and assessment methods for the annual assessment required pursuant to paragraph (1), including requiring that a desert native plant specialist conduct the assessment. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code shall not apply to the development, adoption, or amendment of standardized survey and

assessment methods pursuant to this paragraph.

1927.5. (a) The Western Joshua Tree Mitigation Fund, created by the commission pursuant to Section 749.10 of Title 14 of the California Code of Regulations, is hereby continued in existence by this chapter, and is renamed the Western Joshua Tree Conservation Fund. Notwithstanding Section 13340 of the Government Code, any moneys in the fund are continuously appropriated to the department solely for the purposes of acquiring, conserving, and managing western Joshua tree conservation lands and completing other activities to conserve the western Joshua tree.

(b) All fees remitted to the department pursuant to this chapter shall be deposited into the fund.

(c) The fund may also receive other funding to support the conservation of the western Joshua tree.

1927.6. (a) The department shall develop and implement a western Joshua tree conservation plan in collaboration with the commission, governmental agencies, California Native American tribes, and the public. The conservation plan shall incorporate a description of management actions necessary to conserve the western Joshua tree and objective, measurable criteria to assess the effectiveness of such actions. The conservation plan shall also include guidance for the avoidance and minimization of impacts to western Joshua trees and protocols for the successful relocation of western Joshua trees. The department shall present a complete draft conservation plan at a public meeting of the commission, for its review and approval, by December 31, 2024. The commission shall take final action on the conservation plan by June 30, 2025. The department and commission shall, if necessary, periodically update the conservation plan to ensure the conservation of the species.

(b) When developing the conservation plan, the department shall consult with California Native American tribes, include co-management principles in the plan, provide for the relocation of western Joshua trees to tribal lands upon a request from a tribe, and ensure traditional ecological knowledge is incorporated into the plan.

(c) The department, pursuant to Section 1927.5, shall use any fees deposited into the fund for the purpose of addressing threats to the western Joshua tree, including, but not limited to, acquiring, conserving, and managing western Joshua tree

conservation lands. Acceptable expenditures from the fund may include, but are not limited to, land acquisition or conservation easement costs, monitoring costs, restoration costs, transaction costs, costs of endowments for land management or easement stewardship consistent with Chapter 4.6 (commencing with Section 65965) of Division 1 of Title 7 of the Government Code and Part 7 (commencing with Section 18501) of Division 9 of the Probate Code, and other reasonable expenditures to implement the conservation plan. The department shall prioritize actions and acquiring and managing lands that are identified as appropriate for western Joshua tree conservation in any department-approved conservation plan, including, but not limited to, the conservation plan required by subdivision (a), a regional conservation assessment, a regional conservation investment strategy, or a conceptual area protection plan.

(d) (1) The department may retain one or more consultants to assist in locating, acquiring, conserving, and managing conservation lands and completing other mitigation actions to implement subdivision (c).

(2) Chapter 1 (commencing with Section 10100) of Part 2 of Division 2 of the Public Contract Code, Chapter 2 (commencing with Section 10290) of Part 2 of Division 2 of the Public Contract Code, Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code, Part 5.5 (commencing with Section 14600) of Division 3 of Title 2 of the Government Code, and Division 13 (commencing with Section 21000) of the Public Resources Code shall not apply to any action by the department to implement subdivision (c).

1927.7. (a) Beginning in 2025, by January 31 of each calendar year, the department shall submit an annual report to the commission and the Legislature assessing the conservation status of the western Joshua tree, including, but not limited to, by detailing the number of permits issued, the number and size class of western Joshua trees authorized to be taken, the number of western Joshua trees lethally removed, the number and location of western Joshua trees relocated, the number and location of acres of western Joshua tree woodlands developed, the type, scope, and scale of mitigation measures undertaken by permittees, the number and location of acres of western Joshua tree woodlands conserved, the quality of the acres conserved, the amount of fees paid, the amount of all expenditures from the fund, the projects and actions funded by expenditures from the fund, the adequacy of the fees to conserve the western Joshua tree, actions taken pursuant to the conservation plan, and other relevant information. The department's annual report shall summarize the information provided by counties and cities pursuant to

agreements entered into pursuant to subdivision (c) of Section 1927.3 and subdivision (b) of Section 1927.4.

(b) The report to the Legislature pursuant to subdivision (a) shall be submitted in accordance with Section 9795 of the Government Code.

1927.8. (a) 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 at a public meeting to be held prior to August 31. Concurrent with each review conducted pursuant to this section, the department shall make recommendations to the commission, as necessary, for amendments to the conservation plan to ensure the conservation of the western Joshua tree.

(b) The department shall annually adjust the fees provided for in Section 1927.3 pursuant to Section 713. By December 31, 2026, and every three years thereafter, the department shall adopt and subsequently amend regulations pursuant to Section 702 adjusting the fees as necessary to ensure the conservation of the species. The department shall utilize 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 consistent with Chapter 4.6 (commencing with Section 65965) of Division 1 of Title 7 of the Government Code and Part 7 (commencing with Section 18501) of Division 9 of the Probate Code.

1927.9. No later than January 1, 2033, the department shall submit to the commission an update to the status review previously submitted pursuant to Section 2074.6 for the western Joshua tree that incorporates any new scientific information relevant to the status of the species and includes an evaluation of the impact of the conservation and management efforts pursuant to this chapter. The commission shall consider the updated status review in making its findings pursuant to subdivision (e) of Section 2075.5.

1927.10. This chapter is not intended to be construed as, or to be, a general project approval. It shall be the responsibility of each project proponent receiving approval from the department under this chapter to obtain all necessary permits and approvals and to comply with all applicable federal, state, and local laws.

1927.11. This chapter does not preclude a county or city from adopting and

enforcing ordinances that require as a condition of approving a project more protective measures designed to conserve the western Joshua tree.

1927.12. The provisions of this chapter are severable. If any provision of this chapter or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.