



Tracking Number: **[(2021-024)]**

To request a change to regulations under the authority of the California Fish and Game Commission (Commission), you are required to submit this completed form to: California Fish and Game Commission, (physical address) 1416 Ninth Street, Suite 1320, Sacramento, CA 95814, (mailing address) P.O. Box 944209, Sacramento, CA 94244-2090 or via email to FGC@fgc.ca.gov. Note: This form is not intended for listing petitions for threatened or endangered species (see Section 670.1 of Title 14).

Incomplete forms will not be accepted. A petition is incomplete if it is not submitted on this form or fails to contain necessary information in each of the required categories listed on this form (Section I). A petition will be rejected if it does not pertain to issues under the Commission's authority. A petition may be denied if any petition requesting a functionally equivalent regulation change was considered within the previous 12 months and no information or data is being submitted beyond what was previously submitted. If you need help with this form, please contact Commission staff at (916) 653-4899 or FGC@fgc.ca.gov.

SECTION I: Required Information.

Please be succinct. Responses for Section I should not exceed five pages

1. Person or organization requesting the change (Required)

Name of primary contact person: *Kelsey Kaszas*
Address: [REDACTED]
Telephone number: [REDACTED]
Email address: [REDACTED]

Staff Note: The petitioner has clarified that the requested change is to the regulation that underlies Ordinance 291, not the ordinance itself.

2. Rulemaking Authority (Required) - Reference to the statutory or constitutional authority of the Commission to take the action requested: *State of California – Fish and Game Commission*

3. Overview (Required) - Summarize the proposed changes to regulations: *The proposed changes are to Ordinance No. 291, as it pertains to the Western Joshua Tree. As the law is currently written, any digging at depth of greater than 12” within 10 ft of a Joshua Tree would then trigger the requirement to either relocate or remove the Joshua Tree. The proposed change to this regulation is that based on the evaluation of Native Desert Plant Specialist, there should be an option to protect the tree in place.*

4. Rationale (Required) - Describe the problem and the reason for the proposed change: *The reason for the proposed change is that not in all cases is it in the best interest of the Joshua Tree to relocate or remove it. In many cases it is better for the Joshua Tree to be left in place. The act of relocating a Joshua Tree is a highly traumatic event for the tree, especially if the tree is a large and mature tree. It is obviously much worse for the Joshua Tree to be destroyed than left in place, that goes without saying. As the law currently stands, there is literally no option to save the Joshua Tree, it's either move it...or kill it. Why not add an option to SAVE IT with the approval of a licensed arborist?! I am encountering this very issue on my own property right now. I brought an arborist out to perform the native plant census in order to complete the “Western Joshua Tree Application” for the town of Yucca Valley, his name is Mike Murphy and he is a renowned arborist in Joshua Tree. He has evaluated literally thousands of Joshua Trees in his career. In his professional opinion, based on the size and location of our Joshua Tree, it is in the best interest of this particular tree to be left as is.*



5. He would be willing testify and write a letter supporting this amendment to the law.

ArborPro

Mike Murphy

Contractor License [REDACTED]

Certified Arborist [REDACTED]

[REDACTED]

[REDACTED]

SECTION II: Optional Information

6. **Date of Petition:** 10/8/2021

7. **Category of Proposed Change**

Sport Fishing

Commercial Fishing

Hunting

x Other, please specify: Western Joshua Tree

8. **The proposal is to:** (To determine section number(s), see current year regulation booklet or <https://govt.westlaw.com/calregs>)

x Amend Title 14 Section(s): ~~Division 1: Ordinance No. 294~~ Sections 399 and 2084]

Add New Title 14 Section(s): [Click here to enter text.]

Repeal Title 14 Section(s): [Click here to enter text.]

9. **If the proposal is related to a previously submitted petition that was rejected, specify the tracking number of the previously submitted petition** [Click here to enter text.]

Or Not applicable.

10. **Effective date:** If applicable, identify the desired effective date of the regulation.

If the proposed change requires immediate implementation, explain the nature of the emergency: This requires immediate implementation. This is holding up the possibility of acquiring our permits.

11. **Supporting documentation:** Identify and attach to the petition any information supporting the proposal including data, reports and other documents: Mike Murphy would be willing testify on behalf of this change.

12. **Economic or Fiscal Impacts:** Identify any known impacts of the proposed regulation change on revenues to the California Department of Fish and Wildlife, individuals, businesses, jobs, other state agencies, local agencies, schools, or housing: No impact.

13. **Forms:** If applicable, list any forms to be created, amended or repealed:

[Western Joshua Tree Application]

SECTION 3: FGC Staff Only



Date received: [10/8/2021.]

FGC staff action:

- Accept - complete
- Reject - incomplete
- Reject - outside scope of FGC authority

Tracking Number

Date petitioner was notified of receipt of petition and pending action: [11/24/2021]

Meeting date for FGC consideration: [Receive Oct 14, 2021; action 12/15-16/21]

FGC action:

- Denied by FGC
- Denied - same as petition [_____]
- Granted for consideration of regulation change

Tracking Number