



WESTERN JOSHUA TREE CONSERVATION ACT SUMMARY

The Western Joshua Tree Conservation Act (WJTCA) promotes the conservation of the western Joshua tree (WJT) by prohibiting the import, export, take, possession, purchase, or sale of any WJT in California, providing for the creation of a range wide conservation plan for the species and establishing a fund to pay for actions to conserve WJT and its habitat. The WJTCA also facilitates renewable energy, housing, and other critical projects by creating new, streamlined permitting options for the authorization of incidental take of WJT subject to appropriate avoidance, minimization, and mitigation and for removal of dead WJT and trimming of WJT.

The WJTCA authorizes CDFW to issue permits for the incidental take as long as certain conditions are met. Permittees may pay specified fees in lieu of conducting mitigation activities. Under the WJTCA, all in-lieu fees collected will be deposited into the Western Joshua Tree Conservation Fund, which is continually appropriated to CDFW solely for the purposes of acquiring, conserving, and managing WJT conservation lands and completing other activities to conserve the western Joshua tree.

The WJTCA also authorizes an exceptionally streamlined process for CDFW to issue permits at no cost for the removal or trimming of dead western Joshua trees and the trimming of live WJTs under certain circumstances.

Pursuant to the WJTCA, CDFW may enter into an agreement with any county or city to delegate limited authority to permit the taking of WJT associated with developing single-family residences, multifamily residences, accessory structures and public works projects. CDFW may similarly enter into an agreement with any county or city to delegate limited authority to permit the removal or trimming of dead western Joshua trees and the trimming of live western Joshua trees.

Additionally, the WJTCA requires CDFW to develop and implement a WJT conservation plan in collaboration with governmental agencies, California Native American Tribes and the public. The complete draft conservation plan must be presented no later than December 31, 2024 at a public meeting of the Fish and Game Commission (Commission) for its subsequent review and approval. CDFW must also develop annual reports assessing the conservation status of the WJT and submit them to the Commission and the State Legislature no later than January 1 of each year, starting in 2025. In March 2022, CDFW prepared a status review report evaluating whether WJT as endangered or threatened under the California Endangered Species Act (CESA) is warranted. The WJTCA requires CDFW to prepare an updated status review report by January 1, 2033, unless the Commission directs CDFW to complete it sooner, and directs the Commission to consider the effectiveness of the conservation measures of the WJTCA, the updated

status review report and other factors before deciding whether the current petition to list the WJT under CESA is warranted.

The streamlined permitting options under WJTCA will remain in effect so long as the WJT remains a candidate species under CESA or at any time after the Commission determines that listing the WJT as threatened and endangered is not warranted. During the candidacy period, WJTCA take authorization options are in

addition to existing options provided under CESA and the Natural Community Conservation Planning (NCCP) Act. If the Commission later elects to list the WJT as threatened or endangered under CESA, the WJTCA streamlined permitting options will become inoperative and permitting options will default to those existing under CESA and the NCCP Act.

Questions?

Please contact:

WJT@wildlife.ca.gov

