

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
DIRECTOR'S OFFICE
POST OFFICE BOX 944209
SACRAMENTO, CA 94244-2090



**CALIFORNIA ENVIRONMENTAL QUALITY ACT STATUTORY EXEMPTION FOR
RESTORATION PROJECTS (SERP)
CONCURRENCE NO. 21080.56-2025-073-R6**

Project: Western Joshua Tree Conservation Plan
Location: Statewide
Lead Agency: California Fish and Game Commission
Lead Agency Contact: Melissa Miller-Henson; fgc@fgc.ca.gov

Background

In October 2019, the California Fish and Game Commission (Commission or Lead Agency) received a petition to list western Joshua tree (*Yucca brevifolia*) as threatened under the California Endangered Species Act (CESA). The petition identified climate change and wildland fires as the greatest threats to the persistence of the species. The petition included habitat loss due to development; seed and plant predation, especially during drought; and competition with invasive species as other factors affecting the species' ability to survive and reproduce. In September 2020, the Commission found that there was sufficient information indicating that listing the species as threatened under CESA may be warranted and designated western Joshua Tree as a candidate species under CESA.

In February 2023, while the Commission was considering its final decision on the petition, legislation was introduced to protect western Joshua tree. In response to this legislative proposal, the Commission postponed further consideration of the petition. In July 2023, the California State Legislature passed and the governor signed into law the Western Joshua Tree Conservation Act (WJTCA). (Fish & G. Code, § 1927 et seq.) The WJTCA, in part, requires the California Department of Fish and Wildlife (CDFW) to develop and implement a conservation plan for western Joshua tree in collaboration with the Commission, government agencies, California Native American tribes (Tribes), and the public.

On June 3, 2025, CDFW transmitted to the Commission the most current draft of the Western Joshua Tree Conservation Plan, dated June 2025 (Project or Conservation Plan). The Commission will consider approving the Conservation Plan at the Commission's meeting on June 11-12, 2025.

Project Location: The Conservation Plan includes a geographic focus area of approximately 9,327,981 acres in portions of San Bernardino, Kern, Los Angeles, Riverside, Inyo, Mono, Tulare, and Ventura counties. This area reflects the currently occupied western Joshua tree habitat and a five-mile buffer suitable for implementation of future western Joshua tree

management actions. Figure 1-2 of the Conservation Plan depicts the boundaries of the geographic focus area of the plan.

Project Description: The Conservation Plan is intended to guide management actions that will conserve, restore, protect, and assist in the recovery of western Joshua tree and the habitat upon which it depends in California. Management actions include but are not limited to:

- Actions to avoid and minimize impacts on western Joshua tree;
- Actions to conserve and manage land suitable for or serving as western Joshua tree habitat;
- Actions to co-manage western Joshua tree on tribal land and other properties that may be of cultural and religious significance to Tribes;
- Research to inform long-term conservation efforts; and
- Actions to provide public education, awareness, and inspiration to conserve western Joshua tree.

Management actions can be voluntarily pursued by project proponents, land managers, and philanthropists or incorporated into project approvals by local, state, and federal government agencies. The Conservation Plan also considers research needs, tribal co-management strategies, and education and awareness opportunities. The Conservation Plan provides criteria to define the effectiveness of management actions and outlines monitoring and adaptive management processes. The Conservation Plan does not create new statutory or regulatory mandates.

For purposes of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and this concurrence request, the Project does not include future amendments to the Conservation Plan, implementation of management actions identified in or informed by the Conservation Plan, or any development activities.

Tribal Engagement: The WJTCA requires CDFW to consult with Tribes on the development of a conservation plan for western Joshua tree and include traditional ecological knowledge and tribal co-management principles into the plan. (Fish & G. Code, § 1927.6, subds. (a) and (b).) At CDFW's request, the Native American Heritage Commission provided a list of contacts for 170 federally and non-federally recognized Tribes culturally affiliated with the geographic focus area of the Project. In coordination with the Commission, CDFW mailed joint consultation invitation letters to notify Tribes of the development of the Western Joshua Tree Conservation Plan and to request tribal input. Further, through email invitations, hard-copy letters, and phone calls, CDFW invited Tribes to participate in meetings facilitated by the Native American Land Conservancy (NALC), informational meetings or tribal listening sessions with CDFW, and consultation meetings with CDFW and/or the Commission. Currently, 17 Tribes have participated in one or more of these engagement options. The Wildlife Conservation Board awarded grant funding to the NALC to reimburse Tribes for their time spent contributing to the development of the Western Joshua Tree Conservation Plan. Appendix C of the Conservation Plan summarizes CDFW's extensive tribal engagement and collaboration efforts. The Conservation Plan includes traditional ecological knowledge and tribal co-management principles.

CDFW's tribal engagement efforts are ongoing and will continue to inform potential future amendments to the Conservation Plan. CDFW will continue working with all Tribes interested in co-management with CDFW or interested in receiving western Joshua trees relocated from other areas. CDFW's commitments for continuing development of tribal co-management principles are described in Appendix G of the Conservation Plan.

Interested Party Coordination: The WJTCA requires CDFW to collaborate with government agencies, the public, and the Commission on the development of a conservation plan for western Joshua tree. (Fish & G. Code, § 1927.6, subd. (a).) CDFW conducted virtual outreach meetings and focused follow-up meetings with local, state, and federal agencies that own, manage, or have jurisdiction over land within the geographic focus area identified in the Conservation Plan.

CDFW also held more than ten virtual public outreach meetings and workshops to receive input on the Conservation Plan. Attendees included, but were not limited to, property owners, land conservancies, regulatory consultants, and environmental justice representatives. Earlier drafts of the Western Joshua Tree Conservation Plan were made available for public review. The Commission provided the opportunity for interested parties to provide comment either in-person or virtually at multiple Commission meetings. The Conservation Plan reflects CDFW's consideration of all input received on earlier drafts of the Western Joshua Tree Conservation Plan. Appendix B of the Conservation Plan summarizes the input received during public outreach meetings.

Anticipated Project Timeframe: The Commission will consider approving the Conservation Plan at the Commission meeting on June 11-12, 2025. The Conservation Plan will become effective upon Commission approval and will remain in effect until amended.

Lead Agency Request for CDFW Concurrence: On June 4, 2025, the Director of CDFW (CDFW Director) received a concurrence request from the Lead Agency pursuant to Public Resources Code section 21080.56, subdivision (e) (Request). The Request seeks the CDFW Director's concurrence with the Lead Agency's determination on June 4, 2025, that the Project meets certain qualifying criteria set forth in subdivisions (a) to (d), inclusive, of the same section of the Public Resources Code (Lead Agency Determination). The CDFW Director's concurrence is required for the Lead Agency to approve the Project relying on this section of CEQA.

Concurrence Determination

The CDFW Director concurs with the Lead Agency Determination that the Project meets the qualifying criteria set forth in Public Resources Code section 21080.56, subdivisions (a) to (d), inclusive (Concurrence).

Specifically, the CDFW Director concurs with the Lead Agency that the Project meets all of the following conditions: (A) the Project is exclusively to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or is exclusively to restore or provide habitat for California native fish and wildlife; (B) the Project may have public benefits incidental to the Project's fundamental

purpose; (C) the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and includes procedures and ongoing management for the protection of the environment; and (D) Project construction activities are solely related to habitat restoration. Pursuant to Public Resources Code section 21080.56, subdivision (g), CDFW will post this Concurrence on its CEQA Notices and Documents internet page: <https://wildlife.ca.gov/Notices/CEQA>.

This Concurrence is based on best available science and supported, as described below, by substantial evidence in CDFW's administrative record of proceedings for the Project.

This Concurrence is also based on a finding that the Project is consistent with and that its implementation will further CDFW's mandate as California's trustee agency for fish and wildlife, including the responsibility to hold and manage these resources in trust for all the people of California.

Discussion

- A. Pursuant to Public Resources Code section 21080.56, subdivision (a), the CDFW Director concurs with the Lead Agency that the Project will exclusively conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend; or restore or provide habitat for California native fish and wildlife.

The exclusive purpose of the Conservation Plan is to conserve western Joshua tree by preventing the extinction of western Joshua tree in the wild, preserving functioning ecosystems that support western Joshua tree, and maintaining sustainable populations of western Joshua tree. This purpose is consistent with the statutory mandate for development of a conservation plan for western Joshua tree. (See Fish & G. Code, § 1927.6.)

- B. Pursuant to Public Resources Code section 21080.56, subdivision (b), the CDFW Director concurs with the Lead Agency that the Project may have incidental public benefits, such as public access and recreation.

The Conservation Plan may have an incidental public education benefit by serving as a statewide science-based resource guiding the knowledge and conservation of western Joshua tree. Through reading the Conservation Plan, the public will obtain an increased understanding of western Joshua tree ecology. The public may feel inspired to become involved in the implementation of management actions, and in doing so, may strengthen connections with their local ecosystems and communities.

- C. Pursuant to Public Resources Code section 21080.56, subdivision (c), the CDFW Director concurs with the Lead Agency that the Project will result in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery, and includes procedures and ongoing management for the protection of the environment.

Long-term Net Benefits to Climate Resiliency:

In the 2019 petition to list western Joshua tree as threatened under CESA, climate change was identified as a primary threat to the species. The Conservation Plan addresses this threat in many ways, including, but not limited to:

- Highlights the need to investigate the effects of climate variability on western Joshua tree recruitment and survival;
- Encourages assisted gene-flow methods to introduce climate-adapted genes into western Joshua tree stands;
- Highlights the importance of collecting western Joshua tree seeds to preserve genetic diversity and provide source material for restoration efforts;
- Encourages research on the feasibility, effectiveness, and risks associated with assisted migration of the species into areas where they cannot naturally migrate but could serve as climate refugia;
- Focuses on identifying, protecting, and managing climate refugia; and
- Identifies actions that reduce climate-change-related stressors on the species, such as (vegetative) fuel treatments.

Many of the management actions identified in the Conservation Plan would allow the scientific community to better understand the species' tolerance to hotter, drier environmental conditions. By improving this understanding, additional management actions can be implemented to support long-term climate resiliency of the species and the habitat upon which it depends.

Long-term Net Benefits to Biodiversity:

In California, the western Joshua tree is naturally found in the Mojave Desert, the Southeastern Great Basin, and in transition zones of the southern Sierra Nevada and southern California mountains. An abundance of plant and animal species occur in these arid regions and engage in an ecological relationship with western Joshua tree. These species include, but are not limited to, desert night lizards (*Xantusia vigilis*), desert spiny lizards (*Sceloporus magister*), Scott's oriole (*Icterus parisorum*), Ladder-backed woodpeckers (*Dryobates scalaris*), and Navaho yucca borer butterfly (*Megathymus yuccae navajo*). Notably, the yucca moth (*Tegeticula synthetica*) and the Mohave ground squirrel (*Xerospermophilus mohavensis*), which is listed as threatened under CESA, have a mutualistic relationship with western Joshua tree. Yucca moth is the sole obligate pollinator of western Joshua tree, so western Joshua tree relies on yucca moth to produce seeds. Western Joshua tree also relies on rodents, such as the Mohave ground squirrel, to disperse and cache seeds at a soil depth that is suitable for germination. The Conservation Plan provides a framework to conserve western Joshua tree and protect the habitat in which these species co-exist. The implementation of management actions described in the Conservation Plan will provide long-term net benefits to these species, in addition to other native plant and animal species that occur within vegetation and natural communities that support western Joshua tree.

Long-term Net Benefits to Sensitive Species Recovery:

In addition to western Joshua tree and Mohave ground squirrel, other special status species will experience long-term net benefits from the Conservation Plan. These species include, but are not limited to, tricolored blackbird (*Agelaius tricolor*), which is listed as threatened under CESA; desert tortoise (*Gopherus agassizii*), which is listed as endangered under CESA and threatened under the federal Endangered Species Act; and Swainson's hawk (*Buteo swainsoni*), which is listed as threatened under CESA. Tricolored blackbirds forage on pods within western Joshua tree inflorescences. Desert tortoises construct burrows under fallen western Joshua tree limbs and use canopy for shade. Swainson's hawks nest within western Joshua tree. Special status species will experience long-term net benefits from management actions that focus on the recovery of western Joshua tree populations, as well as from management actions that address habitat conservation and management.

Procedures for the Protection of the Environment:

To achieve the Conservation Plan's vision, purpose, and objectives, the plan includes five categories of management actions that have been developed and outlines related procedures for the protection of the environment. Appendix D of the Conservation Plan describes avoidance and minimization best management practices that protect the environment during the implementation of management actions. Appendix E of the Conservation Plan provides guidelines and protocols for the relocation of western Joshua trees to minimize impacts on populations, prevent habitat fragmentation, and preserve connectivity. Section 6.7 of the Conservation Plan prioritizes the permanent protection of western Joshua tree habitat from development and other incompatible human uses.

Ongoing Management for the Protection of the Environment:

Ongoing management actions for the protection of the environment are necessary to achieve the vision, purpose, and objectives of the Conservation Plan. Chapter 4.3 of the Conservation Plan discusses threats to western Joshua tree, including climate change phenomena, development and other incompatible human activities, wildland fire, invasive plant species, and herbivory and predation. Chapter 5 provides recommendations to address these threats through management actions and guidance for evaluating whether effectiveness criteria have been met. Ongoing management actions include, but are not limited to:

- The development of long-term monitoring and management plans, habitat restoration and enhancement plans, and conservation easement stewardship agreements;
- The establishment of endowments and other funding mechanisms for long-term land management;
- Restoration and enhancement of damaged or degraded lands to establish suitable habitat and promote ecosystem recovery;
- Assisted migration, to establish western Joshua tree populations within unoccupied connectivity corridors;

- Development and implementation of a seed conservation strategy, to minimize loss of genetic diversity over time; and
- Research, to inform scientific understanding of the ecology and long-term persistence of western Joshua tree.

The Conservation Plan also addresses opportunities for CDFW to work with local agencies, fire departments, nongovernmental organizations, Tribes, and other entities to assure long-term success of the Conservation Plan. Such opportunities include, but are not limited to:

- Entering into written memoranda of understanding or other agreements with counties and cities to designate protected areas for western Joshua tree;
- Collaboration with local fire departments on fire management strategies that benefit western Joshua tree on private land;
- Coordination with nongovernmental organizations to acquire, protect, and manage land within the western Joshua tree range; and
- Entering into written memoranda of understanding or other agreements with Tribes for co-management of western Joshua tree or its habitat.

- D. Pursuant to Public Resources Code section 21080.56, subdivision (d), the CDFW Director concurs with the Lead Agency that the Project does not include any construction activities, except those solely related to habitat restoration.

The Conservation Plan is a planning document for the recovery of western Joshua tree. Approval of the Conservation Plan would not directly authorize or result in any construction activities, whether solely related to habitat restoration or otherwise. The only connection that the Conservation Plan may have to any construction activities is by informing potential management actions to help conserve western Joshua tree, including avoidance, minimization, and mitigation measures that may be required as part of approval or permitting processes for future development activities. For purposes of CEQA, any such future construction activities will be undertaken as projects that are separate from the Conservation Plan; public agencies shall not use this Concurrence to approve any future construction activities based on Public Resources Code section 21080.56.

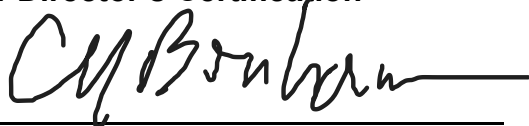
Scope and Reservation of Concurrence

This Concurrence is based on the proposed Project as described by the Lead Agency Determination and the Request. If there are any subsequent changes to the Project that affect or otherwise change the Lead Agency Determination, the Lead Agency, or any other public agency that proposes to carry out or approve the Project, shall submit a new lead agency determination and request for concurrence from CDFW pursuant to Public Resources Code section 21080.56. If any other public agency proposes to carry out or approve the Project subsequent to the effective date of this Concurrence, this Concurrence shall remain in effect and no separate concurrence from CDFW shall be required so long as the other public agency is carrying out or approving the Project as described by the Lead Agency Determination and the Request.

Other Legal Obligations

The Project shall remain subject to all other applicable federal, state, and local laws and regulations, and this Concurrence shall not weaken or violate any applicable environmental or public health standards. (Pub. Resources Code, § 21080.56, subd. (f).)

CDFW Director's Certification

By: 

Date: 6/6/2025

Charlton H. Bonham, Director
California Department of Fish and Wildlife