



February 28, 2026

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VIA Email ([WJTRegulations@wildlife.ca.gov](mailto:WJTRegulations@wildlife.ca.gov))

**Re: Western Joshua Tree Conservation Act Permitting Program – Fee Regulations**

Dear Ms. Caprio:

The Center for Biological Diversity (the “Center”) submits these initial comments regarding the California Department of Fish and Wildlife’s (“CDFW”) proposed Western Joshua Tree Conservation Act (“WJTCA”) mitigation fee regulation (the “Fee Regulation”), intended to support the Department’s forthcoming Initial Statement of Reasons, expected in Spring 2026.

The Center is a nonprofit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has more than 1.8 million active members and supporters dedicated to the protection of imperiled species and wild places. The Center has a long-standing interest in the conservation of the western Joshua tree and the broader desert ecosystems on which the species depends.

CDFW’s initial review of costs indicates that mitigation fee revenue must increase to achieve conservation of the western Joshua tree; however, the amount of the necessary increase has not yet been determined. The Center generally supports CDFW’s approach to the Fee Regulation and offers the following initial feedback to help ensure that the proposed fee formula is sufficient to achieve conservation of the western Joshua tree, as required by the WJTCA. (*See* Cal. Fish & Game Code § 1927.8(b).)

## I. CDFW's Fee Regulation Formula

On January 29, 2026, CDFW held a public meeting to present information regarding its regulatory update to mitigation fees, including potential approaches and factors informing the amount of funding needed to conserve the western Joshua tree. The conservation formula presented was as follows:

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$$\text{Cost to achieve conservation of the species} = \text{Conservation Target}$$
$$\text{Conservation Target} = \text{Land} + \text{Restore} + \text{Fuel Treatment} + \text{Monitoring}$$
$$\text{Conservation Target} - \text{Fund Balance} = \text{Fund Gap}$$

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As reflected above, CDFW's Conservation Target formula includes four sub cost components: land acquisition, restoration, wildfire/fuel treatment, and monitoring. CDFW also acknowledged that additional considerations may impact the conservation target, including the timeframe within which funds must be collected. The Center offers the following initial comments regarding the target timeline and each sub cost component of the proposed formula, identifying potential gaps that may affect fee adequacy.

## II. Potential Gaps in Fee Regulation Formula

**Target timeline:** Establishing a defined timeline is necessary to ensure the fee levels are calibrated to meet statutory conservation requirements. The Western Joshua Tree Conservation Plan (the "Plan") identifies a target of protecting 70 percent of priority conservation lands across the species' range in California by 2033. (CDFW 2025, § 5.3.1.) The Plan further specifies that 90 percent of land within predicted climate refugia that is ecologically core, intact, or moderately degraded must be permanently protected and managed. (*Id.*)

According to the Plan, modeled climate refugia under the low-emissions scenario comprise approximately 23.4 percent of the western Joshua tree's range. (*Id.* 4-65.) Applying the Plan's target that 90 percent of qualifying refugia lands be permanently protected indicates that roughly 21 percent of the species' total range must ultimately be conserved within climate refugia, assuming that most refugia fall within the qualifying condition classes. Using the Plan's range estimate (approximately 5,053 square miles, or about 3.23 million acres), this corresponds to approximately 756,000 acres of modeled refugia, of which approximately 681,000 acres would need to be permanently protected and managed to meet the 90 percent

target. The Plan further indicates that, under the low-emissions scenario, approximately 36.4 percent of modeled refugia—equivalent to about 8.5 percent of the species’ total range—already occurs within areas with existing land protections and conservation management. Accounting for this baseline suggests that the remaining conservation need within climate refugia in this scenario is on the order of 406,000 acres. This remaining acreage provides a back-of-the envelope estimate of the predicted refugia protection gap (in low emissions scenario).

The Plan also includes an implementation trajectory beginning in 2026, with progress demonstrated every two years and preserved acreage increasing each review cycle. The Plan anticipates protecting an additional 3 to 5 percent of occupied range every two years until the effectiveness criteria related to land protection for conservation of western Joshua tree are achieved. (*Id.* § 5.3.2.) Accordingly, the Center recommends that the Fee Regulation be tied to achieving the Plan’s 2033 conservation benchmarks and structured to support the biennial land protection trajectory necessary to meet those benchmarks, with the ultimate goal of conserving the species and its habitat such that listing under the California Endangered Species Act will not be warranted.

**Land:** The draft formula identifies land purchases, conservation easements, and endowments for land management as core components of the land cost category. CDFW estimates an average cost of approximately \$10,000 per acre for this sub cost. Available data suggests that land acquisition costs in priority areas may in some instances exceed this average. For example, according to San Bernardino County Assessor data, two undeveloped five-acre inholdings within Joshua Tree National Park—located in areas that are likely to function as Joshua tree refugia—were assessed in 2025 at \$159,181 and \$225,507, equating to approximately \$31,836 per acre and \$45,101 per acre, respectfully.<sup>1</sup>

Recent market listing further illustrate variability in per-acre values: a 403-acre parcel within predicted climate refugia occupied by western Joshua tree is listed at approximately \$2.5 million (about \$6,200 per acre), while a separate 625.07-acre occupied western Joshua tree parcel in predicted climate refugia adjacent to Joshua Tree National Park is listed at \$3 million (approximately \$4,800 per acre).<sup>2</sup> These

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<sup>1</sup> San Bernardino County, *Property Assessor Portal*, available at: <https://arcproperty.info.sbcounty.gov/> (last accessed Feb. 19, 2026) (assessor data for parcel numbers 0589291140000 & 0589291140000).

<sup>2</sup> Zillow, *300 E Z12 St, Llano, CA 93544*, available at: [https://www.zillow.com/homedetails/300-E-Z12-St-Llano-CA-93544/456704795\\_zpid](https://www.zillow.com/homedetails/300-E-Z12-St-Llano-CA-93544/456704795_zpid) (last accessed Feb. 25, 2026); Zillow, *56975 San Andreas Rd, Yucca Valley, CA 92284*, available at: [https://www.zillow.com/homedetails/56975-San-Andreas-Rd-Yucca-Valley-CA-92284/333863836\\_zpid/](https://www.zillow.com/homedetails/56975-San-Andreas-Rd-Yucca-Valley-CA-92284/333863836_zpid/) (last accessed Feb. 25, 2026).

data points indicate that land costs can vary substantially across sites, have increased in most markets, and may therefore affect how fees should be set.

In addition, the Center recommends evaluating whether the WJTCA-mandated annual fee adjustments based on the implicit price deflator (*see* Cal. Fish & Game Code §§ 713, 1927.8(b)) adequately captures land market dynamics. Because land values may increase at rates that exceed general inflation measures, the Fee Regulation formula should include a mechanism that adequately reflects increases in land acquisition costs and supports achieving the Western Joshua Tree Conservation Plan's 2033 conservation benchmarks.

**Restoration:** Restoration appears to be characterized as a one-time cost; however, some restoration activities may be recurring. Areas affected by wildfire, including a single wildfire event, may require multiple restoration cycles. The fee formula should therefore distinguish between one-time and recurring restoration and incorporate reasonably foreseeable repeat restoration needs.

CDFW should also account for conservation-related enhancement expenses associated with improving ecosystem function on conserved lands, to the extent these costs are not covered by land management endowments. Such measures may be necessary to increase recruitment and strengthen population resilience and may include irrigation during drought periods, assistance of natural regeneration of western Joshua trees, and other site-specific enhancement actions undertaken to meet conservation objectives as described in the Plan. (CDFW 2025, 5-26.)

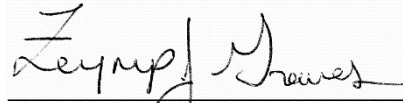
**Wildfire/Fuel Treatment:** CDFW estimates fuel treatment costs at approximately \$500 per acre. At this preliminary stage, the assumptions underlying this estimate are unclear. Although fire has historically been infrequent in the southwest desert ecosystems, both fire frequency and extent have increased in recent decades, largely due to the spread of non-native annual grasses. (BLM 2024, 27.) Available data indicate increasing burned acreage and fire occurrences across the Mojave and surrounding desert regions, suggesting that fuel management is likely to require more frequent treatment and maintenance than historical conditions would imply. The formula should therefore identify treatment frequency and expected maintenance intervals and reflect the likelihood of recurring fuel treatment over time. The formula should also account for post-treatment rehabilitation where fuel treatments create soil disturbance or otherwise necessitate additional restoration.

**Monitoring:** Based on a current monitoring initiative, CDFW estimates that range-wide monitoring costs about \$2 million. As with the restoration and fuel treatment sub costs, the formula should take into account monitoring frequency and how costs will scale as conserved acreage increases.

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Thank you for your continued commitment to western Joshua tree conservation and for providing meaningful opportunities for public engagement during development of the Fee Regulation.

Sincerely,

A handwritten signature in black ink that reads "Zeynep J. Graves". The signature is written in a cursive style with a horizontal line underneath the name.

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## References

Bureau of Land Management & National Park Service, California Desert Interagency Fire Program, *Fire Management Plan* (2024), available at: <https://www.nps.gov/moja/learn/management/upload/2024-Fire-Management-Plan-508.pdf>.

California Department of Fish and Wildlife, *Western Joshua Tree Conservation Plan*, Vol. 1 (Aug. 2025), available at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=232533&inline>.

San Bernardino County, *Property Assessor Portal*, available at: <https://arcpropertyinfo.sbcounty.gov/>.

Zillow, *300 E Z12 St, Llano, CA 93544*, available at: [https://www.zillow.com/homedetails/300-E-Z12-St-Llano-CA-93544/456704795\\_zpid/](https://www.zillow.com/homedetails/300-E-Z12-St-Llano-CA-93544/456704795_zpid/).

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