



February 27, 2026

California Department of Fish and Wildlife
Habitat Conservation Planning Branch
P.O. Box 944209
Sacramento, CA 94244-2090
Submitted electronically: WJT@wildlife.ca.gov

RE: Amendment to the Western Joshua Tree Conservation Plan & Fee Adjustment

Dear CDFW WJT Team:

The California Ecological Restoration Business Association (CalERBA) appreciates the opportunity to provide comments to the California Department of Fish and Wildlife (CDFW) on the forthcoming amendment (the Amendment) to the Western Joshua Tree Conservation Plan (the Plan). CalERBA represents businesses with decades of experience in the successful, measurable delivery of conservation outcomes and large-scale ecological restoration projects, including needed conservation for the Western Joshua Tree (WJT) through conservation banks. Investments by the ecological restoration industry accelerate the pace of public conservation strategies and fill in gaps where public funding and public lands alone are not enough.

Since the passage of the Western Joshua Tree Conservation Act (WJTCA), CalERBA has expressed concerns that the program may quickly exceed their impact liabilities—and thus fail at achieving the conservation purpose of the WJTCA—unless the Plan adopts standards for conserved WJT lands equivalent to the conservation banking program (e.g. site protection requirements) and clearly allows for engagement of the private sector and conservation banking industry. We appreciated and participated in several meetings with CDFW regarding the Plan and our concerns over the course of 2024 and submitted written comments, questions, and recommendations in April and June of 2024 and again in June 2025. Unfortunately, our concerns were not addressed in the final published version of the Plan, which only included a passing reference to the conservation banking industry in the Plan’s Subsection 6.3.4 on public engagement.

WJT conservation banks are, by definition, WJT conservation lands. Private, advance investment is ready to be deployed in measurable WJT conservation to meet the Plan’s needs if the industry is given the right policy cues. Existing banks, future banks, and other projects by sponsor companies could be incentivized under the Plan to immediately support target conservation goals and measures. This contribution is especially important in the near term when program infrastructure and fees are not yet sufficient to implement larger scale projects, and thus the program is compounding temporal loss of the species without any measurable progress on conservation.

With these high-level comments in mind, CalERBA is pleased to provide the following table of recommendations (Recommendation Table) on the Plan Amendment and the program’s fee structure. If enacted, these recommendations will help the program and CDFW timely achieve WJT conservation outcomes.

TABLE I. CALERBA WJTCA PLAN AND FEE RECOMMENDATIONS MARCH 2026 (RECOMMENDATION TABLE)

CONCERN	RECOMMENDATION	EXPLANATION
<p>MISSED OPPORTUNITY FOR THE PROGRAM’S SUCCESS AND WJT CONSERVATION BY FAILING TO IDENTIFY ENGAGEMENT WITH THE CONSERVATION BANKING AND ECOLOGICAL RESTORATION INDUSTRY SECTOR AS A KEY STRATEGY UNDER THE PLAN.</p>	<p>Primary Recommendation: Amend Subsection 6.6.1 of the Plan to i) clearly outline that acquisition of existing and future conservation bank credits may be a strategy to achieve Plan implementation and ii) state that CDFW may issue requests for proposals or another competitive bid/procurement strategies to engage private and public ecological restoration sponsors to implement the conservation measures of the Plan.</p>	<p>Conservation banks identify and protect priority conservation lands for WJT as a part of their early diligence, design, and approval process. Conservation bank lands are then protected, restored, and actively managed to achieve ecological performance milestones defined as a part of rigorous agency review in entitling the conservation bank. Because conservation banks already implement the Plan’s land management actions, bank credit acquisition should be included as an implementation option under the description for each management action. Additionally, CalERBA encourages CDFW to direct permittees and program fees collected towards PRM or “turnkey” conservation project mitigation solutions designed and implemented by experienced practitioners. North Carolina and New Jersey’s state run In-Lieu Fee programs offer a model on how to best issue competitive RFPs to qualified sponsors.¹</p> <p>CDFW has legislative authority to pursue conservation bank credit acquisitions under the Plan. First, through the non-exhaustive conservation language in Sections 1927.5(a) and 1927.6(c) of the WJTCA, under which CDFW can direct moneys towards the acquisition of existing and future conservation bank credits. Second, through the WJTCA’s contemplation of mitigation measures other than payment of fees in Section 1927.3(a)(3), which allows CDFW to direct permittees to a mix of conservation bank credits plus fees to achieve mitigation compliance under the WJTCA.</p>

¹ *Regarding the NC program:* See the top two recommendations under the “Characteristics Necessary for ILF Success” section of Doyle, Martin W. 2019. The Financial and Environmental Risks of In Lieu Fee Programs for Compensatory Mitigation. NI Report 19-01. Durham, NC: Duke University,

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PROGRAM TAKES ON MORE LIABILITIES THAN IT CAN OFFSET, ACCELERATING WJT LOSS.	<p>CalERBA recommends that CDFW establish a cap on the scale of impact liabilities the ILF program can assume from one project, at least for an initial pilot period. For example, CDFW may consider capping the scale of impacts to 10 WJTs per project and any projects with impacts larger than the 10-tree threshold would be directed to the traditional ITP pathway.</p> <p>Additionally, CalERBA recommends that CDFW consider differentiating between projects advanced by private homeowners to ensure fees assessed per project are both proportionate to the scale of impacts and considerate of the public’s financial constraints.</p>	<p>Under a cap approach, CDFW would direct permittees with impacts estimated to exceed the cap to existing conservation bank credits and other mitigation options available for compliance under the traditional ITP pathway. CDFW may then revisit the cap every few years once the Plan’s strategies are proven successful for conservation, its implementation measures are finalized, and the program’s fees are adequately adjusted to reflect the actual cost of WJT conservation efforts.</p>

<http://nicholasinstitute.duke.edu/publications> (2019 Duke ILF Report); and see NC DMS’ published rate schedules at the link here and note their approach to rate setting: “DMS rates reflect actual program costs for procurement of mitigation credits and program administration. Rates are posted below for standard rate areas as well as for premium rate areas where program costs are significantly higher.” *Regarding the NJ program:* New Jersey’s ILF has several instructive safeguards: i) requirement for permittees to justify ILF use (e.g. demonstrate that bank credits are not feasible), ii) requirement for the permittee to follow a specific calculation method to determine their ILF fee and propose how that fee will adequately cover real project costs, and iii) a dedicated program administrator (the “Wetlands Mitigation Council”) that issues RFPs, selects projects, manages contracts, oversees credit releases, and ensures performance. See the NJ ILF Instrument (revised February 12, 2018) at the link [here](#) for a more complete overview of the program’s hallmark features and best practices.

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<p>LOW PROGRAM FEES UNDERMINE THE PREFERRED MITIGATION HIERARCHY, WHICH CREATES A PERVERSE INCENTIVE FOR TAKE OF WJT AND INCREASES CONSERVATION RISKS.</p>	<p>Adjust the current mitigation fee schedule to reflect the true cost of WJT conservation and establish a cap on the scale of liabilities (i.e. take) permissible under the fee program, at least for a pilot period.</p>	<p>The low mitigation fees of the program combined with an expedited permitting process create incentives for WJT take (versus avoidance, minimization, and then compensation), which is counter to the species’ best conservation interests. By establishing a fast-tracked option with mitigation fees that are less than the true cost of WJT conservation (which is reflected in mitigation bank credits), the program undermines the preferred mitigation hierarchy for permittees (i.e. avoidance, minimization, and then compensation, preferably through advance mitigation). The program’s fees are low because they do not account for protections and long-term assurances equivalent to those required under traditional banking and ILF program requirements. To best align incentives for WJT conservation, the cost of the WJT’s expedited take authorization should be higher, not lower, than the cost of bank or ILF credits.</p> <p>Adjusting the program’s fees higher will also lower the risk of program, and thus conservation, failure for the WJT. Research on ILFs nationally found that low ILF fees exacerbate the temporal loss of protected resources and increase the risk of program failure and poor conservation outcomes.²</p>

² See 2019 Duke ILF Report.

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<p>THE STANDARDS AND REQUIREMENTS ESTABLISHED IN THE PLAN ARE NOT EQUIVALENT TO THOSE REQUIRED FOR WJT UNDER THE CONSERVATION BANKING PROGRAM.</p>	<p>Revise the standards for WJT conservation sites under the program to match those of the banking program in terms of financial, planning, and real estate assurances required to ensure durable and lower risk conservation outcomes for WJT.</p>	<p>Based on the Plan and projects started to date under the program, we understand that WJT conservation actions under the program do not require the same financial, diligence, and long-term planning requirements as conservation banking, which places program conservation actions at a greater risk of failure to the detriment of the species. At a minimum and critically, the Amendment should update the Plan’s requirements on endowment calculations, land surveys, and monitoring. Specifically, the requirements should ensure clear title, boundary surveys/easement ID, biological resources surveys that demonstrate the number of trees that are being protected, interim and long-term management plans, fencing, endowments and permanent conservation easements. Without these requirements, the program and resources will perpetuate inequivalences. Inequivalent standards also contribute to inaccurate pricing and fees that are then nearly impossible to recover from due to compounding liabilities and ongoing temporal loss of the resource.</p>

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<p>RELOCATION GUIDELINES ALLOW FOR CONSERVATION ACTIONS THAT DO NOT TRULY “OFFSET” THE IMPACT TO WJT.</p>	<p>Revise the relocation guidelines to require increased monitoring and higher mitigation ratios to account for rates of failure.</p>	<p>First, the guidelines and standards for relocation of trees and the relocated trees’ receiver sites should be equivalent whether the relocation is for minimization or mitigation purposes. Generally, take and relocation allowances require more rigorous acknowledgment of the species’ biology. WJTs are long-lived desert species for which permanent loss cannot be adequately offset by a single low mitigation fee. Comparable desert species can require high mitigation ratios (like 10:1 or 20:1) to account for slow growth, long lifespan, low recruitment, etc., all of which are factors also applicable to the WJT. While the Plan discusses details on a relocation plan and specifics around moving the tree, these details are irrelevant without equal detail in the Plan on monitoring, maintenance, and site protections required for WJT relocation sites. Additionally, relocation efforts do not achieve 100% survival, increasing the mismatch between impacts and the mitigation fee’s actual ability to offset impacts.</p>
<p>FEES – COMPREHENSIVE REPORTING ON PROGRAM ACTIONS TO DATE TO INFORM THE FEE ADJUSTMENT.</p>	<p>Publish a public accounting report on fees collected to date, fees expended, extent and geographic location of WJT take under the program, and the number of trees protected, in addition to WJT habitat acreage conserved and restored.</p>	<p>While some of these metrics were included in CDFW’s report to the legislature, a comprehensive report is needed to understand whether the program is accelerating WJT take and species’ loss or contributing to WJT conservation recovery and gains. The next analysis should quantify individual trees impacted under the program to date versus the number impacted prior to the passage of the WJTCA and from there extrapolate the rate of tree removal/take.</p>

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<p>FEEs – ACCOUNTING FOR CDFW STAFF TIME.</p>	<p>The next fee adjustment should also account for fees needed to cover CDFW staff time planning and administering the program.</p>	<p>Private-sector mitigation bank and organizational/state ILF programs employ full-time staff and invest significant business resources to plan, develop, implement, monitor, and manage agency-approved mitigation projects. These costs are essential to delivering durable, sound conservation outcomes, and are reflected in the cost of bank credits. Thus, CDFW’s staffing/internal administrative costs, or at least a portion of them, should be reflected in the next fee adjustment or otherwise covered by applicant’s utilizing the program.</p>

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FEES – COST DATA POINTS AND FACTORS TO CONSIDER.	<p>Fee adjustments should be based on true cost accounting (e.g. factoring in requirements equivalent to banking) with multipliers and forecasting tools that account for increased land prices, inflation, and other market forces that will increase pricing between the time of fee collection and expenditure on a viable conservation project.</p>	<p>The costs of establishing qualifying mitigation for WJT prior to the WJTCA ranged from ~10k/acre and higher considering land costs in the range of \$5-8k/acre and the costs of field surveys (recent estimate for a survey in the remote desert region was \$43k), fencing, and long-term management, etc. These per acre costs were only feasible for bankers due to the scale of their projects thanks to ideal sites with good woodlands and tree density; such sites are hard to find and can require a yearlong search or longer, the real estate expertise of the private sector, and ideal market conditions (e.g. not a markup on WJT land costs due to increased demand). These costs are also significantly more than the per acre cost that we estimate the current per-WJT removal fee equates to at an average assumed density. Again, suitable sites for WJT with the right conditions and reasonable land prices are scarce—which further escalates the risk of failure for the program to timely apply funds towards measurable, on the ground WJT conservation and instead results in measurable temporal loss of the species.</p> <p>Additionally, besides land costs, when adjusting the fees CDFW should fully account for the design, implementation, and long-term management costs associated with durable, low risk conservation, as well as the predictable costs increases in the labor, design, and delivery of these services over time. These costs include items like survey costs, fencing, and other line items typical to a bank project to meet standards for perpetual land management and conservation.</p>

We appreciate the CDFW's efforts to improve the Plan and update the fee schedule. Please do not hesitate to reach out to our Executive Director Sara Johnson at sjohnson@ecologicalrestoration.org with any questions or requests for further information. We look forward to next steps on the Plan and the opportunity to share these ongoing concerns for the success of the program with CDFW.

Sincerely,

Sara Johnson
Executive Director
California Ecological Restoration Business Association

Enclosure:

CalERBA's June 2024 Comments to CDFW on the Draft Plan, which contain further details on many of the Recommendation Table entries above.

June 17, 2024

California Department of Fish & Wildlife

Submitted electronically: WJT@wildlife.ca.gov

RE: Western Joshua Tree Conservation Act – Comments following Second Stakeholder Meeting

Dear California Department of Fish & Wildlife staff:

The California Ecological Restoration Business Association (CalERBA) appreciates the opportunity to provide comments to the California Department of Fish & Wildlife (CDFW) on the Western Joshua Tree Conservation Act (WJTCA/Act) Conservation Plan (the Plan). We thank CDFW for the time and effort spent engaging with CalERBA during previous stakeholder sessions on the forthcoming Plan and considerations for the overall implementation success of the WJTCA Program.

CalERBA represents California's growing industry of businesses and jobs that specialize in full delivery of wetland, stream, water quality, habitat restoration, and other ecological restoration projects in collaboration with conservationists, NGOs, landowners, and regulators. Collectively, the membership represents decades of experience in successful ecological restoration projects, thousands of conserved acres, and substantial private capital that—if given the right policy incentives—is prepared to invest in and advance ecological outcomes. Investments by the ecological restoration industry accelerate conservation and fill in gaps where public funding and public lands alone are not enough.

Specific to the Western Joshua Tree (WJT), CalERBA members have experience both as sponsors of conservation banks and turn-key/permittee responsible mitigation (PRM) projects for the WJT, as well as consultants advising on bank projects or advising permittees on incidental take permits for WJT. Our members understand first-hand the costs and advanced planning necessary for successful conservation at scale of the WJT. We urge CDFW to continue consulting with CalERBA members through Request for Qualification processes and direct stakeholder outreach to ensure our on-the-ground knowledge informs the Plan implementation. Besides this WJT specific experience, we also have experience both in California and nationally with in-lieu fee program pitfalls and best practices, which inform our comments here.

CalERBA's main observation on the Plan's newly proposed land management actions is that bank credits already reflect all three actions and considerations – banks identify and protect priority conservation lands, banks restore and steward conservation lands, and bank sponsors consider the management unit criteria when siting and designing banks for WJT. This fact supports our continued recommendation that the Plan should rely on acquisition of bank credits as a preferred implementation mechanism.

Our other comments are organized around the following more detailed recommendations: i) integration of conservation banks and PRM as strategies for achievement of the Plan's objectives; ii) stringent and equivalent land protection and management standards; iii) clarification of the WJTCP's proposed land management criteria; and iv) additional observations and outstanding questions.

Again, we appreciate CDFW's efforts to date to engage the public and our community of experienced mitigation sponsors on the WJTCA. We look forward to CDFW's publication of the draft WJTCP for more substantive information to analyze and comment on. Please do not hesitate to reach out to our

Executive Director Sara Johnson at sjohnson@ecologicalrestoration.org with any questions or requests for further information.

I. Integrate conservation banks and PRM as a strategy for achievement of the Plan’s objectives.

Conservation banks identify and protect priority conservation lands for WJT as a part of their early diligence, design, and approval process. Conservation lands within a conservation bank are then protected, restored, and actively managed to achieve ecological performance milestones defined as a part of rigorous agency review in entitling the conservation bank. And lastly, conservation bank development incorporates the four proposed land management unit criteria throughout the bank siting, design, and performance stages. Because conservation banks already implement the three land management actions proposed by CDFW for the Plan, bank credit acquisition should be included as an implementation option under the description for each management action.

As CalERBA stated in our April 1st comment letter to CDFW, conservation banks currently preserve substantial acreage within WJT ecosystems and provide measurable benefits to WJT in advance of takings. CalERBA reiterates here our recommendation for CDFW to leverage full authority under the WJTCA to utilize existing and future conservation bank credits to fulfill the Act’s mandate to prevent extinction, preserve functioning ecosystems, and maintain sustainable populations of WJT. The Plan will fail to achieve the defined goals if it does not acknowledge and prioritize collected fees towards advance mitigation solutions that eliminate temporal loss and provide offsets at scale – direct outcomes of conservation banks.

In our April 1st comment letter, CalERBA described two pathways for CDFW to pursue conservation bank credit acquisitions under the Plan: first, through the non-exhaustive conservation language in Sections 1927.5(a) and 1927.6(c) of the Act, under which CDFW can direct moneys towards the acquisition of existing and future conservation bank credits; and second, through the Act’s contemplation of mitigation measures other than payment of fees in Section 1927.3(a)(3), which allows CDFW to direct permittees to a mix of conservation bank credits plus fees to achieve mitigation compliance under the Act.

Additionally, CalERBA encourages CDFW to direct permittees and moneys collected under the WJT Conservation Fund (Fund) towards PRM or “turnkey” conservation project mitigation solutions designed and implemented by experienced practitioners. In exchange for receiving legal authorization for WJT take, permittees could comply with mitigation requirements via payment of fees, purchase of bank credits, or through development of PRM.

II. Land protection and management standards should be both stringent and equivalent.

CalERBA advocates for high standards for all ecological projects, both restoration and conservation, to ensure durability, science-based design and performance criteria, and risk-reduction mechanisms.³ We also advocate for equivalency in standards for ecological projects, especially when multiple forms of projects may qualify as an offset for a permit action. In this vein, CalERBA recommends that CDFW establish standards for WJT land conservation that are equivalent to the conservation banking program standards. Specifically, CalERBA recommends the following standards and requirements, which should

³ CalERBA, *Principles for Nature-Based Solutions*, March 2022, at <https://caecologicalrestoration.org/calerba-principles>.

be incorporated into the Plan's proposed land management action to "Identify and Protect Priority Conservation Lands:"

- Durable restrictions on land use and long-term site maintenance. To achieve this, CalERBA recommends that CDFW require i) a permanent conservation easement as the primary preferred instrument for site protection and ii) a long-term stewardship endowment with interest sufficient to support perpetual management for each newly conserved property.
- Equivalent restrictions on land use across federal, state, and private lands, including the same requirements/assessments on habitat quality, additionality, durability, and lands package reviews and surveys.
- Full cost accounting on the acquisition, adaptive management, and long-term monitoring and maintenance costs for protected priority conservation lands. CalERBA recommends that CDFW partner with the banking industry, and/or knowledgeable consultants with banking experience, to accurately assess and value the in-lieu fee (ILF) fee schedule so that the WJTCA goals are adequately funded. As CalERBA explained in our April 1st letter to CDFW, ILF programs often do not establish fees that accurately reflect the cost of implementing and managing mitigation, and, as a result, the resource suffers, even potentially declines, and the program becomes a financial and regulatory risk for the program administrator.⁴ Low fees ultimately undermine the conservation intent of the Act, and may increase CDFW's vulnerability to time intensive lawsuits by watchdog entities.
 - To avoid the performance failures that often result from insufficient ILF fees, CalERBA recommends that CDFW establish a cap on the scale of impact liabilities the ILF program can assume from one project. Under this approach, CDFW would direct permittees with impacts estimated to exceed the cap to existing conservation bank credits and other mitigation options if bank credits are not available. CDFW could then revisit this cap once the Plan and its implementation measures are finalized, and the program's fees are increased to reflect the actual cost of WJT conservation efforts.

III. CDFW should further clarify the WJTCP's proposed land management criteria.

CalERBA appreciates CDFW's efforts to establish land management actions and criteria for the Plan under a tight timeline. However, we were hoping to have the opportunity to review and comment on expanded in-depth Plan details during the last stakeholder session ahead of this comment period. We look forward to future opportunities to review and comment on a fulsome set of defined criteria and ideally a map of identified WJT priority areas. For now, CalERBA has several preliminary recommendations to clarify CDFW's strategies and utilize WJTCP funds in an effective manner.

First, CalERBA notes that conservation bank sponsors are already implementing the strategies listed under the proposed actions such as degraded land remediation, invasive species control, seed banking,

⁴ See Doyle, Martin. 2019. The Financial and Environmental Risks of In Lieu Fee Programs for Compensatory Mitigation. NI Report 19-01. Durham, NC: Duke University, https://nicholasinstitute.duke.edu/sites/default/files/publications/nicholas-institute-report_doyle_in-lieu-fee_web.pdf.

and wildlife management. Again, the conservation banks sponsored by CalERBA members currently integrate these same strategies, which reinforces CalERBA's recommendation made in Section I that CDFW should integrate conservation banks and PRM within the Plan.

Based on CalERBA's experience, we believe that some of the strategies proposed as land and management actions are unrealistic considering the fee schedule outlined in the WJTCA. For example, degraded land remediation involves significant costs and restoration/management complexities, which is why we have even seen agencies resist remediation when proposed in a banking context. CDFW should only propose activities that are realistic within the current fee schedule set under the WJTCA. Activities that cannot be adequately carried out should be tabled until adequate fees can be established and collected, which supports our prior recommendation of capping ILF Program liabilities in the short term.

CalERBA also recommends greater details and transparency in the Plan disclosing how CDFW plans to measure criteria to assess the effectiveness of the Plan. Essentially, how will CDFW assess progress towards WJT recovery. Section 1927.6(a) of the Act requires CDFW to incorporate "objective, measurable criteria" to assess the effectiveness of its conservation actions. Accordingly, measurable metrics and standards applicable to WJT functions and services should be established in the Plan to ensure a clear nexus between the impact of a WJT take and the conservation actions proposed by CDFW. Minimum thresholds for recovery should be implemented based on current habitat and refugia habitat. For example, if an applicant's activities result in take of a certain number of WJT individuals, the fees collected should guarantee conservation of that same certain number of WJT. Without such defined goals, the proposed land and management actions are unmoored from conservation outcomes, and the effectiveness of the WJTCP will not be measurable.

While CalERBA supports consideration of WJT predicted climate refugia regions, we caution that an emphasis on actions in refugia regions – which do not contain actual WJT – should not supersede conservation of actual habitat currently supporting WJT individuals. An overemphasis on refugia could lead to a number of takes that are not adequately offset with actions that guarantee WJT protection elsewhere. We recommend investments in climate refugia regions as secondary to protection of known currently occupied WJT habitat.

IV. Additional Observations and Outstanding Questions.

Land Management process. As explained above, we recommend CDFW establish objective, measurable criteria for land management. CalERBA members have the following outstanding questions regarding specific land management actions.

- i. *Further clarity on climate refugia.* What climate models will be consistently referenced to make refugia determinations? What defined standards will be used to ensure the refugia and other lands identified for conservation are adequate to support WJT populations? How will WJTs be transported to refugia?
- ii. *Genetic information criteria.* At the second WJTCP stakeholder meeting, details regarding genetic information as management unit criteria were not fully developed. CDFW should share information with stakeholders on how genetic information will factor into the Plan. What are the standards for delineating management units based on genetic information? How will these standards inform decision making?

Relocation Guidelines and Protocols. The relocation program is insufficiently described in the WJTCA, and materials provided thus far. CalERBA members have the following recommendations and questions on relocation:

- i. *Equivalency in relocation for minimization and mitigation purposes.* The Act states that relocation can also be required in addition to fees, indicating that relocation could act as both a minimization and mitigation measure. The guidelines and standards for relocation of trees and the relocated trees' receiver sites should be equivalent whether for minimization or mitigation.
- ii. *Extent of relocation and receiver site requirements.* Section 1927.3(a)(4) states that CDFW "may" include as permit conditions the requirement that the permittees relocate WJT. To achieve the goals of the Act, CalERBA recommends that the Plan require the maximum amount of WJT relocation as necessary for minimization of take impacts. Importantly, for the relocation to be successful, CDFW should establish standards for the receiver sites including (i) suitable and adequate funds for integrated maintenance, monitoring and adaptive management, (ii) instruments that are durable and designed to protect sites, and (iii) site standards to ensure long-term success of relocated WJT. The Plan should recognize the opportunity for partnerships with the conservation banking industry on identification and management of the receiver sites to ensure performance and outcomes similar to banks.
- iii. *Integration with the banking program.* CalERBA members have a proven track record of success with relocated WJTs. To the maximum extent possible the Plan should acknowledge the banking industry as a conservation ally to assist in planning for and developing receiver sites for relocated WJT. Again, we note that based on CalERBA member's experience in the industry, the fee schedule under the Act is insufficient for many of the proposed land management criteria activities, including creating and maintain receiver sites. Integrating with private industry would alleviate some of the pressures, including vulnerability to increased litigation risk, CDFW would face due to a limited amount of available funds.
- iii. *Removal of trees.* Section 1927.3(a)(4)(C) requires CDFW to employ the "best available science" when adopting relocation guidelines. CalERBA recommends that the final relocation guidelines provide criteria to inform a range of acceptable approaches for removal of WJTs to retain flexibility for site and individual specific considerations.
- iv. *Clones.* CDFW should take the opportunity to better understand and define WJT vegetative reproduction ("clones"), how to distinguish clones from seedlings, and how clones will be assessed in the population and factor into the genetic information management unit criteria.