

## WESTERN JOSHUA TREES GENERAL INFORMATION & FREQUENTLY ASKED QUESTIONS (FAQ):

**Effective July 2023, California enacted the Western Joshua Tree Conservation Act (WJTCA), which continues to protect the western Joshua tree (“Joshua tree”) as a candidate species (listed October 9, 2020) under the California Endangered Species Act (CESA).** The WJTCA prohibits the taking, exporting, importing, trimming, possessing, purchasing, or selling of any western Joshua tree, whether dead or alive, without an Incidental Take Permit (ITP). In addition, any project that directly or indirectly impacts the seedbank surrounding western Joshua trees will also require an ITP. Applicants must obtain an ITP directly from the California Department of Fish and Wildlife (CDFW) prior to or concurrently with the LA County Planning permitting process.

Furthermore, Joshua trees are also protected under the Significant Ecological Area (SEA) Ordinance as a Category 1 SEA Resource. Any impacts to Joshua trees within an SEA will require a SEA Conditional Use Permit (SEA CUP), unless the project qualifies for an exemption.

### **FREQUENTLY ASKED QUESTIONS:**

**There are Joshua trees in the way of my project, can I just transplant them somewhere else?** No, you cannot relocate or transplant Joshua trees without first obtaining an ITP from CDFW. While relocation (transplanting) of Joshua trees is a potential mitigation measure under the WJTCA, it must be conducted in accordance with CDFW guidelines and be included as part of an approved mitigation strategy within your ITP. Additionally, CDFW may require additional mitigation measures if it is determined that additional mitigation measures are required to fully offset the project impacts. In general, when mitigation is required, land acquisition is favored over translocation or replanting.

### **What is the permitting process if my project site has Joshua trees?**

If your project site contains western Joshua trees and your proposed work may remove, damage, or otherwise impact the trees, you will likely need to obtain an ITP from the CDFW. The ITP process requires applicants to identify and avoid impacts to Joshua trees wherever possible. If impacts cannot be avoided, you must propose mitigation measures such as land conservation, mitigation fees, or in some cases, transplanting, based on CDFW's guidelines.

For projects reviewed by LA County Planning:

- **Ministerial projects** (e.g., by-right construction) will proceed as usual, but applicants must still obtain an ITP from CDFW if their project impacts Joshua trees.
- **Projects within Significant Ecological Areas** that impact Joshua trees require a SEA CUP unless exempt. Notably, single-family homes in the Antelope Valley

Planning Area are exempt from the SEA CUP requirement but must still obtain an ITP if the project may impact Joshua trees.

- **Discretionary projects** may require mitigation for Joshua tree impacts and are subject to the ITP process. As the CEQA lead agency for a discretionary permit, the County will coordinate with applicants to incorporate mitigation that supports ITP issuance. However, CDFW may still request project modifications or additional measures.

### **What do I need to show on my site plan?**

Your site plan should clearly depict the locations of all existing and proposed structures, including buildings, driveways, fences or walls, pools, utility lines, septic tanks, grading, and other development features. Additionally, your site plan must also identify the location of all Joshua trees on the property and indicate the distance from each Joshua tree to the proposed development activity. To avoid impacts, all new developments should be sited as far as possible from the Joshua trees. While the WJTCA and associated Conservation Plan do not currently establish specific buffer distances, they do recommend applying a minimum buffer radius around each tree to protect the root zones and surrounding seedbanks. For specific buffer guidance, contact CDFW at [WJT@wildlife.ca.gov](mailto:WJT@wildlife.ca.gov).

### **I designed my project so that I won't have to remove any Joshua trees, but how close can my (driveway, septic tank, building, etc.) be to the Joshua trees on my property?**

CDFW has not established standardized buffer distances at this time. However, CDFW recommends applying a minimum buffer radius around each Joshua tree to protect the root zones and surrounding seedbanks. The appropriate distance will vary depending on site-specific factors such as the tree size, topography, and soil conditions. Buffers are typically adjusted based on these characteristics. For project specific guidance on buffer distances, please contact CDFW at [WJT@wildlife.ca.gov](mailto:WJT@wildlife.ca.gov).

### **Can I clean up the area around the Joshua trees?**

The CDFW recommends maintaining minimum buffer radius around each tree to protect the root zones and surrounding seedbanks. This means no grading, brush clearing, construction, or other ground disturbance within that area. Joshua trees rely on the surrounding native vegetation and soil conditions to survive, and sometime even well-intentioned "clean-up" efforts can disrupt this delicate balance and may be considered a violation under the WJTCA. If you are unsure if your proposed activity is allowed, please contact CDFW for more guidance.

### **What if my project is in a Very High Fire Hazard Severity Zone (VHFHSZ) and the Fire Department requires fuel modification as a part of my plan review?**

Fuel modification of existing trees in VHFHSZ areas is evaluated on a case-by-case basis. When proposing new development, the Fire Department may allow certain established trees, including Joshua trees or native oaks, to remain during fuel modification review. If you are required to submit a fuel modification plan, your site plan should clearly identify all "existing to remain" plants, distinguish between existing and proposed vegetation, and include any environmental documentation that notes conflicts between fuel modification

requirements and protected species regulations. This ensures the Fire Department is aware of any special preservation requirements and can coordinate with other agencies as needed.

**I think I might need an ITP, but I'm not sure. What should I do?**

If you know or suspect that your project may require an ITP, you are encouraged to contact CDFW at [WJT@wildlife.ca.gov](mailto:WJT@wildlife.ca.gov) with questions or to request assistance.

For more information on Western Joshua Tree Conservation Permitting, you can also visit: <https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/Permitting>