



**California Department of Fish and Wildlife
South Coast Region 5
3883 RUFFIN ROAD
SAN DIEGO, CA 92123**

Western Joshua Tree Conservation Act

Western Joshua Tree Conservation Act Incidental Take Permit No. 1927-ITP-2023-002-05
PACIFIC POPPY PROJECT

I. Authority:

This Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit (Permit) is issued by the California Department of Fish and Wildlife (CDFW) pursuant to Fish and Game Code section 1927.3. The WJTCA prohibits the take¹ of any western Joshua tree, *Yucca brevifolia* (WJT), or any part or product thereof, except as authorized.² CDFW may authorize, by permit, incidental take of WJT subject to the requirements of the WJTCA.³ This Permit authorizes incidental take of WJT by Permittee as specifically described herein, pursuant to the WJTCA.

Permittee:	Pacific Communities Builder, Inc.
Principal Officer:	Corinna Ocampo
Contact Person:	Corinna Ocampo, (949) 660-8988
Mailing Address:	1000 Dove Street, Suite 100, Newport Beach, CA 92660

II. Effective Date and Expiration Date of this Permit:

This Permit shall become effective upon execution by CDFW. This Permit and the take authorization conferred hereunder shall expire on **July 31, 2028**.

III. Project Location:

The Pacific Poppy Project (Project) is located on vacant land approximately 750 feet east of the intersection between 60th Street East and East Palmdale Boulevard within the City of Palmdale, Los Angeles County (Project Site; See Figure 1). The Project is located on Assessor's Parcel Numbers 3024-008-018 and 3024-008-021. The Project is bounded by East Palmdale Boulevard on the north, vacant land on the west, and existing single-family developments on the south and east.

IV. Project Description:

The Project is comprised of the residential development of 19.8 acres of vacant land consisting of a 75-lot subdivision with two lots located at the northwest corner of the Project Site to be developed as one detention basin (See Figure 2). Project Activities include removing vegetation, grading, underground utility construction (water and sewer lines), building construction, detention basin construction, paving, road construction, and landscaping. Project Activities will require the use of

¹“Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” (Fish & G. Code, § 86.)

² Fish & G. Code, § 1927.2.

³ Fish & G. Code, § 1927.3.

heavy equipment such as excavators, trenchers, dozers, scrapers, paving machines, concrete trucks, water trucks, welders, and cranes. The Project will balance soil on site and little to no import of fill material is anticipated. Access to the Project Site will be from East Palmdale Boulevard during Project construction (See Figure 2). The Project is anticipated to start in September 2024 and occur in one phase lasting approximately 36 months.

V. Impacts of the Taking on WJT:

Project Activities and their resulting impacts are expected to result in the incidental take of WJT. The Project is expected to take a total of 535 WJT, as determined by CDFW. The Project will remove 514 WJT, encroach upon 21 WJT, and relocate off-site 36 WJT (i.e., collectively “take”). This number is based on the census submitted by Permittee, a copy of which is attached as Attachment 1, and evaluation of the project impacts by CDFW.

New WJT stems or trunks may arise from the ground within the Project Site or vicinity of Project Activities over the period of time covered by this Permit. This Permit does not provide take authorization of any WJT, including newly arising stems or trunks, not identified for take in the Western Joshua Tree Project Site Census (Attachment 1) and included in the invoice (Attachment 2). Permittee must seek additional take authorization before conducting Project Activities that will impact new/additional WJT, including any WJTs that resprout in the same location as a previously censused tree after initial tree removal, using the process identified in the Notification of New Stem or Trunk Condition of Approval ⁴.

VI. Incidental Take Authorization of WJT:

This Permit authorizes incidental take of WJT and only WJT. CDFW authorizes Permittee, its employees, contractors, and agents to take WJT on the Project Site, subject to the limitations described in this section and the Conditions of Approval below. This Permit does not authorize: (a) take of WJT caused by activities outside the scope of the Project Activities, except in association with authorized relocation activities as expressly provided for in this Permit; (b) take of WJT not authorized for take as identified in the approved WJT census and this Permit; or (c) take of WJT resulting from violation of this WJT Permit.

VII. Conditions of Approval:

Unless specified otherwise, the following measures apply to all Project Activities within the Project Site, including areas used for vehicular ingress and egress, staging, and parking. CDFW’s issuance of this Permit and Permittee’s authorization to take WJT pursuant to this Permit are subject to Permittee’s compliance with, and implementation of, the following Conditions of Approval:

- 1. Legal Compliance:** Permittee shall comply with all applicable federal, state, and local laws, regulations, and policies. This Permit sets forth CDFW’s requirements for Permittee to implement the Project pursuant to the WJTCA. This Permit does not constitute a general project approval or necessarily create an entitlement to proceed with the

⁴ See Fish & G. Code, § 1927.3, subdivision (b).

Project. Permittee is responsible for obtaining all necessary permits and approvals and for complying with all applicable federal, state, and local laws, regulations, and policies.

2. **CEQA Compliance:** Permittee shall implement and adhere to the mitigation measures related to WJT in the Biological Resources section of the Initial Study and Mitigated Negative Declaration (IS/MND) and Addendum to the IS/MND (SCH No.: 2020070203) adopted on April 7, 2008 and May 13, 2024, respectively, by the City of Palmdale as lead agency for the Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). If there is a conflict between WJT-related measures in the CEQA documents for this Project and the measures in this Permit, this Permit controls.

3. **WJT Permit Compliance Time Frame:** Permittee shall fully implement and adhere to the conditions of this Permit within the time frames set forth below.

4. General Provisions:

- 4.1. Designated Representative. Before starting Project Activities, Permittee shall designate a representative (Designated Representative) responsible for communicating with CDFW and overseeing compliance with this Permit. Before starting Project Activities, Permittee shall notify CDFW in writing of the Designated Representative's name, business address, phone number, and email address (if applicable). Permittee shall subsequently notify CDFW in writing if a substitute Designated Representative is designated during the term of this Permit. If Permittee is an individual, Permittee may designate itself as the Designated Representative.

- 4.2. Designated Biologist(s). Permittee shall submit to CDFW in writing the name, qualifications, business address, and contact information of the Designated Biologist(s) using the Biologist Resume Form (Attachment 3) or in another format containing the same information at least 30 days before starting Project Activities. Permittee shall ensure that the Designated Biologist(s) is/are knowledgeable and experienced in the biology, natural history, collecting, and handling of WJT. The Designated Biologist(s) shall be responsible for monitoring Project Activities to help avoid and minimize impacts to, and the taking of, WJT, as well as to minimize disturbance of WJT habitat, to the maximum extent possible. Permittee shall obtain CDFW approval of the Designated Biologist(s) in writing before starting Project Activities and shall also obtain approval in advance, in writing, if the Designated Biologist(s) must be substituted.

- 4.2.1. Designated Biologist Authority. To ensure compliance with the Conditions of Approval of this Permit, the Designated Biologist(s) shall immediately stop any activity that does not comply with this Permit and/or order any reasonable measure to avoid the unauthorized take of WJT. Permittee shall provide unfettered access to the Project Site and otherwise facilitate the

Designated Biologist(s) in the performance of his/her/their duties. If the Designated Biologist(s) is/are unable to comply with the Permit, then the Designated Biologist shall notify the Designated Representative and immediately or contract of any kind, including but not limited to a non-disclosure agreement or confidentiality agreement, with its contractors and/or the Designated Biologist(s) that prohibit or impede open communication with CDFW, including regarding the results of any surveys, reports, studies, take of WJT, or violation(s) of this Permit or the Fish and Game Code.

4.3. Compliance Monitoring. The Designated Biologist(s) shall be on-site daily when removing vegetation, grading, underground utility construction (water and sewer lines), and, detention basin construction activities occur. The Designated Biologist shall conduct compliance inspections at least once a month during periods of inactivity and after vegetation removal, grading, underground utility construction, and detention basin construction activities are completed. The Designated Biologist(s) shall conduct compliance inspections to:

- 4.3.1. Minimize take of WJT;
- 4.3.2. Prevent unlawful take of WJT;
- 4.3.3. Check for compliance with all measures of this Permit;
- 4.3.4. Check all buffers; and
- 4.3.5. Ensure that signs, stakes, and fencing are intact, and that Project Activities are only occurring in the Project Site.

The Designated Biologist(s) shall prepare daily written observation and inspection records summarizing oversight activities and compliance inspections for days onsite.

4.4. Education Program. Permittee shall conduct an education program for all persons employed or otherwise working on the Project Site before performing any work on Project Activities. The program shall consist of a presentation from the Designated Biologist(s) that includes a discussion of the biology of WJT, information about the distribution and habitat needs of WJT, sensitivity of WJT to human activities, and WJT's status pursuant to the WJTCA, including legal protection, recovery efforts, penalties for violations, and Project-specific protective measures described in this Permit. Permittee shall prepare and distribute wallet-sized cards, fact sheet handout, or digital document containing this information that workers shall carry on the Project Site. Permittee shall provide interpretation for non-English speaking workers. The same Education Program shall be provided to any new workers before they are authorized to perform work in the Project Site. Upon completion of the program, employees shall sign a form stating they attended the presentation and understand all protection measures. This training shall be

repeated at least once annually while Project Activities are occurring for long-term and/or permanent employees that will be conducting work on the Project Site.

- 4.5. Construction Monitoring Documentation.** The Designated Representative shall maintain construction-monitoring documentation on site in either hard copy or digital format throughout the construction period, which shall include any Permit compliance inspection records or notes, and a copy of this Permit with attachments, including the census, and a list of signatures of all personnel who have successfully completed the education program as specified in Condition of Approval 4.4. Permittee shall ensure a copy of the construction monitoring documentation is available for review at the Project Site or as otherwise requested by CDFW.
- 4.6. Project Access.** Project-related personnel shall access the Project Site using existing routes and routes identified as access routes shown in the project plans included as Figure 2. . Permittee shall restrict Project-related vehicle traffic to established roads, staging, and parking areas. If Permittee determines construction of routes outside of the Project Site are necessary, the Designated Representative shall contact CDFW for written approval before carrying out such an activity. CDFW may require an amendment to this Permit if additional take of WJT may occur as a result of any Project modification.
- 4.7. Staging Areas.** Within the Project Site, Permittee shall confine all Project-related parking, storage areas, laydown sites, equipment storage, and any other surface-disturbing activities to previously disturbed areas, to the extent possible. Permittee shall ensure that fill brought into the Project Site is placed only in designated staging areas to avoid impacts on WJT. Additionally, Permittee shall not use or cross WJT habitat outside of the Project Site, unless provided for as described in Condition of Approval 4.6 of this Permit.
- 4.8. Topsoil Salvage.** When a WJT is removed, Permittee shall ensure topsoil is salvaged and deposited in an area on-site where WJT will be avoided/conserved, giving priority to proposed recipient sites with nutrient-poor soil. If needed, topsoil stockpiles will be covered with coarse aggregate for protection from wind and water erosion.
- 4.9. WJT Stockpiles.** If dead and/or removed WJTs are stockpiled on site, they shall not be placed within 50 feet (approximately 15 meters) of avoided or conserved WJTs.
- 4.10. Hazardous Substances.** Permittee shall prevent raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, hazardous waste, or any other hazardous substances from contaminating soils outside of the Project Site and within 50 feet (approximately 15 meters) of a WJT adjacent to the Project Site for which take is not authorized by this Permit. Permittee shall immediately remove any of these materials if they are placed within the Project Site where they may impact a WJT for which take is not authorized by this Permit. Permittee

shall properly contain and dispose of any unused or leftover hazardous products off-site.

4.10.1. Spill Cleanup. If any of the hazardous substances mentioned in Condition of Approval 4.10 are leaked or spilled within 50 feet (approximately 15 meters) of a WJT for which take is not authorized pursuant to this Permit, Permittee shall immediately stop all Project activities and, pursuant to all applicable state and federal statutes and regulations, arrange for repair and clean-up by qualified individuals of any hazardous substance leaks or spills at the time of occurrence, or as soon as it is safe to do so. CDFW shall be notified immediately by Permittee if any spills or leaks occur within 50 feet (approximately 15 meters) of a WJT for which take is not authorized by this Permit. Permittee shall have all spill clean-up equipment on site during Project Activities.

4.10.2. Check Equipment for Leaks. Permittee shall ensure that construction equipment and vehicles operated in the Project Site are checked and maintained daily to prevent leaks of fuel, lubricants, solvents, or other fluids that could contaminate WJT habitat or soils near WJT.

4.11. CDFW Access. Permittee shall provide CDFW staff with reasonable access to the Project Site and shall otherwise fully cooperate with CDFW efforts to verify compliance with, and effectiveness of, all Conditions of Approval set forth in this Permit. Permittee shall provide CDFW access up to five years after project completion to monitor any avoided WJT.

4.12. Refuse Removal. Upon completion of Project Activities, Permittee shall remove from the Project Site and properly dispose of all hazardous waste, temporary fill, and Project-related refuse including, but not limited to, broken equipment parts, wrapping material, cords, cables, wire, rope, flagging, temporary fencing, strapping, twine, buckets, metal or plastic containers, and boxes.

5. Notification and Reporting Provisions:

5.1. Notification Before Commencement. Permittee or the Designated Representative shall notify CDFW at least seven days before starting Project Activities and shall document compliance with all pre-Project Conditions of Approval before starting Project Activities. Notification shall include representative photographs of boundary delineation , no-work buffers, and identification of WJT to be taken as required in measure 6.1 , 6.2, and 6.3 below.

5.2. Notification of New Stem or Trunk. Once the Project site has been fully cleared of the 514 WJT identified in the census (Attachment 1), if a new western Joshua tree stem or trunk arises from the ground, regardless of whether it germinates from seed, a

trunk re-sprout occurs, or otherwise, Permittee shall prepare a Notification of New Stem or Trunk and submit it to CDFW before conducting/resuming Project Activities that will impact (e.g., by removal, trimming, or encroachment within 15 meters) any WJT individual that was not included in the census (Attachment 1) and included in the invoice (Attachment 2), including any new WJT stem or trunk that arises from the ground (e.g., new sprouts or resprouts). The Notification of New Stem or Trunk shall include the following about any new WJT:

- A unique identifier for each WJT (i.e., WJT ID);
- GPS location for each WJT (latitude and longitude);
- At least one color photo of each WJT identified;
- Size class for each WJT (size class A is any WJT less than one meter in height, size class B is any WJT one meter or greater but less than five meters in height, size class C is any WJT greater than five meters in height);
- Anticipated impact for each WJT (i.e., removal, relocation, trimming, or encroachment, or no impact);
- If the WJT will be encroached upon (individual will not be removed and Project Activities will take place within 15 meters of the base of the WJT) indicate the distance from the base where Project Activities will take place; and
- A map showing the location of new WJT in relation to WJT for which take is authorized by this Permit.

Permittee shall submit the Notification of New Stem or Trunk prior to conducting activities that may result in take of or impacts to the new stem or trunk (i.e., removal, trimming, relocation, or encroachment). After CDFW has confirmed the number and size class of individual WJT to be impacted, CDFW will provide the Permittee with an invoice for the mitigation fees pursuant to Fish and Game Code section 1927.3, subdivisions (d)-(e). The Notification of New Stem or Trunk and invoice shall be appended to this Permit and considered to be an amendment of this Permit, without further action, authorizing additional take coverage for the new WJT individual(s) provided that the Notification of New Stem or Trunk the Permittee submits is complete and mitigation fees are received by CDFW prior to any impacts to any new WJT individuals identified in the Notification of New Stem or Trunk. CDFW may determine that an amendment of this Permit is required if additional or different conditions of approval, including WJT Relocation, are required

5.3. Notification of Non-compliance. Permittee or the Designated Representative shall immediately notify CDFW if Permittee is not in compliance with any Condition of

Approval of this Permit, including but not limited to any actual or anticipated failure to implement any measure in this Permit within the time periods indicated therein. The Designated Representative shall follow up within 24 hours with a written notice to CDFW describing, in detail, any actual or anticipated non-compliance with this Permit and suggested measures to remedy the situation.

- 5.4. Monthly Reporting.** Permittee shall provide monthly reports until initial grading and vegetation removal activities and underground utility and detention basin constructions are completed. Monthly reports shall include at a minimum: (1) a summary of Project Activities that have been completed during the reporting period; (2) copies of the Designated Biologist's daily written observation and inspection records; and (3) photos of the Project Site, Project status, and WJT adjacent to the Project Site for which take is not authorized by this Permit.
- 5.5. Post Relocation Report.** Permittee shall provide CDFW with a Post-Relocation Report no more than 30 days after relocations are completed. The Post Relocation Report shall include, at a minimum, the date range when relocation operations occurred and for each salvage tree: (1) The unique identifier and recipient site coordinates; (2) the final recipient site, including GPS coordinates (latitude/longitude in decimal degrees); (3) the relocation method used; (4) the height and diameter of the post-relocation water basin constructed (berm); (5) any stabilization supports installed; (6) any major damage, including any necessary limb trimming, that occurred during relocation; (7) any deviation from the tree's original orientation; (8) any root stimulant additives used in pre- or post-relocation irrigations; and (9) a photo of the tree facing north, with the unique identifier in each file name.
- 5.6. Annual Relocation Maintenance Report.** Permittee shall submit annual reports detailing the 1-year and 2-year maintenance periods. The Annual Relocation Maintenance Report shall include, at a minimum: (1) the date(s) when site visit(s) occurred; (2) the contact information and qualifications of the desert native plant specialist(s) performing tree assessments; and (3) information for each salvage tree regarding the following: (a) the unique identifier and recipient site coordinates; (b) whether the tree is alive or dead; (c) dates of supplemental waterings; (d) identity and estimated number of invasive plants observed/controlled and the methods used; (e) any signs of pest/human damage; (f) any signs of declining tree health; (g) any maintenance conducted to repair, replace, add, or adjust berm, stabilization supports, and/or identification markers; (h) a photo of the tree facing north, with the unique identifier in each file name; and (i) at the end of the 2-year period, the reasons for discontinuing maintenance on trees showing stable or increasing health, such as new leaf growth, flowering/fruitletting, good leaf color, no signs of pest/human damage, and/or unrestricted hard growth.
- 5.7. Relocation Maintenance Completion Report.** A completion report shall be submitted to CDFW no more than 30 days after the end of the 3-year relocation maintenance period.

The Relocation Maintenance Completion Report shall include, at a minimum: (1) the date when the final site visit occurred; (2) the date when berm/stabilization materials/identification markers were removed; (3) the contact information and qualifications of the desert native plant specialist(s) performing the final assessment; (4) information for each salvage tree regarding the following: (a) whether the tree is alive or dead; (b) any damage that occurred during or after relocation; (c) any signs of declining health; (d) any signs of pest damage; and (e) a photo of the tree facing north, after berm, stabilization materials, and identification markers are removed, with the tree's unique identifier in each file name; and (5) any recommendations that may help to improve tree relocation methods.

5.8. Annual Status Report. Permittee shall provide CDFW with an Annual Status Report (ASR) no later than January 31 of every year beginning with issuance of this Permit and continuing until Project completion. Each ASR shall include, at a minimum: (1) a general description of the status of the Project Site and Project Activities, including actual or projected completion dates, if known and (2) an accounting of the WJT individuals identified in the census that have been removed, relocated, injured (e.g., trimmed), and/or avoided both for the prior calendar year, and a total since issuance of this Permit.

5.9. Project Completion Report. Permittee shall provide CDFW with a Project Completion Report (PCR) no later than one (1) month after the Project has been completed. The PCR shall include, at a minimum: (1) photos that illustrate the state of the Project Site upon completion of the Project; (2) approximate start and end date(s) when Project Activities occurred; and (3) an accounting of the WJT individuals identified in the census that have been removed, relocated, injured (e.g., trimmed), and/or avoided since this Permit's issuance.

5.10. Notification of Take or Damage. Permittee shall immediately notify CDFW by calling the Regional Office at (661) 414-2729 if a non-permitted WJT is taken or damaged by a Project-related activity, or if any WJT that was documented during the initial census is found dead or damaged by non-Project-related activity. The initial notification to CDFW shall include information regarding the location, size class, and number of WJT individuals taken or damaged and the WJTCA Incidental Take Permit Number. Following initial notification, Permittee shall send CDFW a written notification within two calendar days. The written notification shall include the date and time of the finding or incident, location, and photograph of each WJT individual, and if known, provide an explanation as to cause of take or damage, and any other pertinent information.

6. Take Minimization Measures: Permittee shall avoid and minimize impacts to, and the taking of, WJT, to the maximum extent practicable. Permittee shall implement and adhere to the following conditions to minimize take of WJT within the Project Site as a result of Project Activities:

- 6.1. Delineation of Project Site Boundaries.** Before starting Project Activities, Permittee shall clearly delineate the boundaries of the Project Site with fencing, stakes, or flags. To allow for the passage of wildlife serving as seed dispersal agents for WJT, Permittee shall ensure all perimeter fencing is at least 6 inches above grade. Rodent barrier fencing is prohibited. Permittee shall restrict all Project Activities to within the fenced, staked, or flagged areas. Permittee shall maintain all fencing, stakes, and flags until the completion of Project Activities in that area.
- 6.2. Identification of WJT to be Taken.** Permittee shall clearly identify with visible flagging, or with an alternative method approved in advance in writing by CDFW, all WJT authorized to be taken within the Project Site under this Permit.
- 6.3. WJT Relocation.** Permittee shall relocate 36 WJT individuals from the Project Site. Permittee shall implement and adhere to the methods, measures, and conditions identified in the CDFW-approved WJT Relocation Plan (Attachment 4) and to the [Western Joshua Tree Relocation Guidelines and Protocols](#) (version in effect at the time relocation takes place). In the event of any conflict or inconsistency between the terms of the WJT Relocation Plan and the WJT Relocation Guidelines, this Permit and the associated WJT Relocation Plan shall control. Any proposed changes to the WJT Relocation Plan after issuance of this Permit shall be submitted in writing for CDFW's review and approval and may require amendment to this Permit. Any proposed changes to the WJT Relocation Plan shall not be implemented until approved in writing by CDFW. This Permit authorizes Permittee to undertake all activities necessary to remove the WJT individuals to be relocated, transport them off the Project Site, and transplant them at the receiver site consistent with the WJT Relocation Plan and the WJT Relocation Guidelines.
- 6.4. No-Work Buffers.** Permittee shall ensure no work is conducted within the no-work buffers for WJT individuals that are not authorized for take under this Permit. Prior to beginning relocation, Permittee shall minimize work within the buffer of WJT that will be relocated to the maximum extent possible. After relocation, Permittee shall ensure no work is conducted within the no-work buffer for relocated WJT. The no-work buffers are:

 - 50 feet (approximately 15 meters) surrounding any WJT individual five meters or greater in height;
 - 25 feet (approximately 7.5 meters) surrounding any WJT individual one meter or greater but less than five meters in height; and
 - 10 feet (approximately 3 meters) surrounding and WJT individuals less than one meter in height

Permittee shall mark no-work buffers using fencing, stakes and ropes, or stakes and flagging of a different color than the color used to identify WJT individuals authorized to be taken (see Condition of Approval 6.2, above). If WJT individuals that will not be taken occur in groups, Permittee may mark a single 50-foot (approximately 15-meter) buffer around the entire group, measured from the base of the trunk of the outer-most WJTs. Permittee shall maintain the no-work buffer markings for the duration of the Project. After all Project Activities are completed, Permittee must remove all materials used to mark no-work buffers.

- 6.5. Trenching.** During storm events, Permittee shall not perform trenching activities within 50 feet (approximately 15 meters) of WJT not authorized to be taken by this Permit, as soils around the root zone of WJT may be more susceptible to erosion during such events. Permittee shall only perform trenching activities during periods of dry weather (with less than a 40 percent chance of rain). Within at least 12 hours prior to the onset of predicted rain (40 percent chance of rain or more based on the National Weather Service) or immediately upon the onset of unpredicted rain, Permittee shall cease all trenching activities, all associated erosion control measures shall be in place, and all motorized equipment and fueling materials shall be removed from areas where runoff from these items can be reasonably foreseen to come into contact with WJT not authorized to be taken. Trenching halted due to rain may resume when rain ceases. Permittee shall monitor the National Weather Service 72-hour forecast for the Project Site. Weather forecasts shall be documented and shall be provided upon request by CDFW.
- 6.6. Fire Prevention.** To avoid impacts to WJT as a result of fire, workers conducting Project Activities with the potential to inadvertently cause a fire (e.g., excavating, grinding, welding, driving over vegetation, parking on vegetation, mowing, disking, masticating) shall be equipped with an appropriate level of fire prevention and suppression equipment, such as fire extinguishers, backpack pumps filled with water, shovels, welding tents, shields, and fire-resistant mats.
- 6.7. Integrated Pest Management (IPM).** Permittee shall minimize the potential for pests to enter the Project Site by identifying sources of pest introduction, identifying pests, performing early detection and rapid response measures, eradicating invasive plants prior to seed set, and avoiding and minimizing adverse effects of control methods on the natural environment. Pests of particular concern that pose a threat to WJT and desert plant communities include, but are not limited to, Yucca weevils, Argentine ants, and invasive plant species. A list of common invasive plant species can be found on the California Invasive Plant Council Invasive Plant Inventory (Cal IPC Inventory) website at: <https://www.cal-ipc.org/plants/inventory/>. Best management practices and guidelines for preventing the establishment of invasive plants can be found on the California Invasive Plant Council's website at: <http://www.cal-ipc.org/ip/prevention/index.php>.

- 6.7.1. IPM Implementation and Documentation. Permittee shall provide a summary of IPM activities to CDFW in the monthly reports and ASR. Documentation shall include pest species controlled, growth state for invasive plants (e.g., vegetative, flowering, seed), a map of any pest infestation(s), methods used to eradicate pests, identification of the source or potential source of pests, and methods to prevent new infestations and introductions of the pest species detected.
- 6.7.2. Rodenticides. To avoid impacts to rodent dispersal of WJT seeds, Permittee shall not use rodenticides within the Project Site at any time.
- 6.7.3. Herbicides. Permittee may only use herbicides within the Project Site with CDFW's written authorization. If so authorized, Permittee may only use herbicides registered with the California Department of Pesticide Regulation (DPR). Any dyes included in the herbicides must be EPA-registered dyes approved for use in California. All herbicides shall be applied in accordance with labeled instructions and regulations set by DPR. Labeled instructions for the herbicide(s) used shall be made available to CDFW upon request. No herbicide shall be applied when wind speeds exceed 5 miles per hour.
- 6.7.4. Insecticides. In order to use insecticides within the Project Site, Permittee must first provide a written explanation of a compelling need to use such chemicals to complete Project Activities and receive written authorization from CDFW to do so.

- 7. Mitigation Fees:** Permittee shall satisfy its mitigation obligations under this Permit by paying the appropriate fees pursuant to the fee schedule set forth in Fish and Game Code section 1927.3 subdivision (d), as adjusted annually, for deposit into the Western Joshua Tree Conservation Fund. Fee amounts are based on the location of the project and the number and size of living and dead WJT individuals to be taken. For the purpose of calculating fees, each WJT stem or trunk arising from the ground is considered an individual WJT requiring mitigation, regardless of its proximity to any other WJT stem or trunk.

CDFW has calculated the required fees to be paid based on the number of living and dead WJT individuals to be taken, the size class of the WJT individuals to be taken, and the fee area in which the Project is located. The fee calculation is shown in the WJTCA Incidental Take Permit Mitigation Fee Invoice attached to this Permit as Attachment 2. Permittee submitted payment in the amount of \$103,250 and it was received by CDFW on June 3, 2024.

VIII. Amendment:

Permittee may request an amendment to this Permit, including an amendment to extend the term of the Permit, by submitting a description of the requested changes to the regional CDFW office

that issued this Permit. Amendment of this Permit may require the submission of a revised census and payment of additional mitigation fees.

IX. Stop-Work Order:

If CDFW determines Permittee has violated any term or condition of this Permit or has engaged in unlawful take, CDFW may issue Permittee a written stop-work order instructing Permittee to suspend any Project Activities for an initial period of up to 30 days. A stop-work order shall contain a detailed description of the violation and outline the necessary steps to remedy the violation. CDFW can issue a stop-work order to prevent or remedy a violation of this Permit, including but not limited to the failure to comply with reporting or monitoring obligations, or to prevent the unauthorized take of any CESA endangered, threatened, or candidate species. CDFW's issuance of a stop-work order shall immediately suspend Permittee's take authorization pursuant to this Permit. Permittee shall stop work immediately as directed by CDFW upon receipt of any such stop-work order. Upon written notice to Permittee, CDFW may extend any stop-work order issued to Permittee if Permittee has failed to cure the violation within the initial 30-day stop-work period.

X. Notices:

Written notices, reports, and other communications relating to this Permit shall be delivered to CDFW by email at the following addresses, or at addresses CDFW may subsequently provide to Permittee. Notices, reports, and other communications shall reference the Project name, Permittee, and Permit Number 1927-ITP-2023-022-05 in a cover letter and on all associated documents.

ATTN: HabCon-CESA Program
California Department of Fish and Wildlife
South Coast Region 5
R5CESA@wildlife.ca.gov

and a digital copy to:

CESA Permitting Program
Habitat Conservation Planning Branch
California Department of Fish and Wildlife
CESA@wildlife.ca.gov

If Permittee is unable to provide these items digitally by email, Permittee can submit paper documents via registered first-class mail to:

Erinn Wilson-Olgin
Attn: HabCon-CESA Program
California Department of Fish and Wildlife
South Coast Region 5
3883 Ruffin Road

San Diego, CA 92123

Unless Permittee is notified otherwise, CDFW's Regional Representative for purposes of this Permit is:

Steve Gibson, Senior Environmental
Scientist (Supervisor)
California Department of Fish and Wildlife
South Coast Region 5
3030 Old Ranch Parkway Suite 400
Seal Beach, CA 90740
(562) 252-2362
R5CESA@wildlife.ca.gov

XI. Compliance with the California Environmental Quality Act:

CDFW's issuance of this Permit is subject to CEQA. CDFW is a responsible agency pursuant to CEQA with respect to this Permit. (See generally Pub. Resources Code, § 21069.) The City of Palmdale is the CEQA lead agency for the Project. (See generally Pub. Resources Code, § 21067.) The lead agency's prior environmental review of the Project is set forth in the Tentative Tract Map (TTM) 069651 Initial Study and Mitigated Negative Declaration (IS/MND) dated March 12, 2008 (SCH No.: 2020070203) and Addendum to the IS/MND, both adopted by the City of Palmdale for the Pacific Poppy Project on April 7, 2008 and May 13, 2024, respectively. At the time the lead agency adopted the Mitigated Negative Declaration and approved the Project, it also adopted various mitigation measures for the WJT as conditions of Project approval.

This Permit, along with CDFW's related CEQA findings, which are available as a separate document, provide evidence of CDFW's consideration of the lead agency's Mitigated Negative Declaration for the Project and the environmental effects related to issuance of this Permit. (Cal. Code Regs., tit. 14, § 15096, subd. (f).) CDFW finds that issuance of this Permit will not result in any previously undisclosed, potentially significant effect on the environment or any substantial increase in the severity of any potentially significant environmental effect previously disclosed by the lead agency. Furthermore, to the extent any potential for any such effect exists, CDFW finds that adherence to, and implementation of, the conditions of project approval adopted by the lead agency and the Conditions of Approval imposed by CDFW under this Permit will avoid or reduce to below a level of significance any such potential effects. Consequently, CDFW finds issuance of this Permit will not result in any significant, adverse impact on the environment.

XII. Attachments:

FIGURE 1	Regional Location and Local Vicinity
FIGURE 2	Project Site Plan
FIGURE 3	Project Impact Map
ATTACHMENT 1	Western Joshua Tree Project Site Census
ATTACHMENT 2	WJTCA Incidental Take Permit Mitigation Fee Invoice and

WJTCA Incidental Take Permit
No. 1927-ITP-2023-002-05
PACIFIC COMMUNITIES BUILDER, INC.
PACIFIC POPPY PROJECT

ATTACHMENT 3
ATTACHMENT 4

Proof of Payment
Biologist Resume Form
Relocation Plan

12/11/2025

ISSUED BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE ON _____

By:  DocuSigned by:
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Erinn Wilson-Olgin, Regional Manager
South Coast Region 5

WJTCa Incidental Take Permit
No. 1927-ITP-2023-002-05
PACIFIC COMMUNITIES BUILDER, INC.
PACIFIC POPPY PROJECT