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May 21, 2025

ATTACHMENT TO NOTICE OF EXEMPTION
First Amendment to the
Western Joshua Tree Relocation Guidelines and Protocols

The California Department of Fish and Wildlife (CDFW) has taken final action to adopt the first amendment to the Western Joshua Tree Relocation Guidelines and Protocols (Amended Relocation Guidelines or Project). In taking its final agency action for purposes of the California Environmental Quality Act (CEQA), CDFW approved the Project relying on the Class 7 categorical exemption for “Actions by Regulatory Agencies for Protection of Natural Resources” contained in CEQA Guidelines section 15307 (Cal. Code Regs., tit. 14, § 15307.)

In 2023, the California Legislature passed the Western Joshua Tree Conservation Act (Fish & G. Code, § 1927 et seq.). The Act requires CDFW to “adopt guidelines and relocation protocols, based on the best available science, to relocate western Joshua trees successfully.” (Fish & G. Code, § 1927.3, subd. (a)(4)(C).) CDFW must “consult with desert native plant specialists” in developing the guidelines and relocation protocols. (Fish & G. Code, § 1927.3, subd. (a)(4)(C).) CDFW adopted the Western Joshua Tree Relocation Guidelines and Protocols in July 2024.

The Western Joshua Tree Conservation Act envisions revisions to the guidelines and protocols and provides an exemption to the requirements of the California Administrative Procedure Act for “the development, adoption, or amendment of guidelines and relocation protocols.” (Fish & G. Code, § 1927.3, subd. (a)(4)(C), emphasis added.) CDFW has adopted the first amendment to the Western Joshua Tree Relocation Guidelines and Protocols based on the best available science, in consultation with desert native plant specialists, consistent with the Western Joshua Tree Conservation Act.

The review effort for the Project pursuant to CEQA Guidelines section 15061 (Cal. Code Regs., tit. 14, § 15061) led CDFW to conclude the Project is an activity that falls within the Class 7 categorical exemption, as discussed below.

Class 7 Categorical Exemption

CDFW finds the adoption of the Amended Relocation Guidelines to be exempt from CEQA pursuant to CEQA Guidelines section 15307, which sets forth the Class 7 categorical exemption. Class 7 “consists of actions taken by regulatory agencies as authorized by state law . . . to assure the maintenance, restoration, or enhancement of a

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natural resource where the regulatory process involves procedures for protection of the environment.” (Cal. Code Regs., tit. 14, § 15307.) CDFW’s wildlife preservation activities are expressly enumerated as falling within Class 7. (*Ibid.*)

As discussed above, CDFW’s amendment of the Western Joshua Tree Relocation Guidelines is authorized by the Western Joshua Tree Conservation Act. The Amended Relocation Guidelines discuss the circumstances in which CDFW would consider requiring relocation of one or more western Joshua trees as permit conditions in incidental take permits issued under the Western Joshua Tree Conservation Act. They also describe how and when western Joshua trees should be relocated to maximize the chances of success. The Amended Relocation Guidelines are designed to ensure the maintenance, restoration, and enhancement of western Joshua trees, including by minimizing impacts to populations, preventing habitat fragmentation, and preserving connectivity corridors for gene flow and pollinator migration. In addition, they complement and support, and will be incorporated into, the Western Joshua Tree Conservation Plan.