



CEQA STATUTORY EXEMPTION FOR RESTORATION PROJECTS (SERP) CONCURRENCE REQUEST

Completion and submission of this form is voluntary. This form may be submitted to request concurrence from the Director of Fish and Wildlife pursuant to Public Resources Code section 21080.56.

The Lead Agency may submit this signed form (pdf) and all attachments via the Department’s [Environmental Permit Information Management System \(EPIMS\) Document Repository](#) or via email at restorationpermitting@wildlife.ca.gov.

1. LEAD AGENCY

Lead Agency Name:	California Fish and Game Commission (Commission)
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2. PROJECT PROPONENT

Check Box and Skip to Number 3 if Same as Lead Agency

Business/Agency/Organization:	California Department of Fish and Wildlife (CDFW)
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3. PROJECT INFORMATION

A. Project Name:	Western Joshua Tree Conservation Plan (Conservation Plan or Project)
B. County or Counties:	Statewide
C. Lat./Long. Coordinates:	Approximately centered at 35.299517, -117.733488
D. Estimated Project Start/End Dates:	The Commission expects to consider approving the Conservation Plan at a Commission meeting on June 11, 2025. The Conservation Plan will be effective upon Commission approval and will remain in effect until amended.

E. Provide a brief description of the future discretionary Project approval the Lead Agency is considering (see CEQA Guidelines sections 15352 and 15378) and an approximate date range for when the Lead Agency may make that approval if the Lead Agency obtains a SERP concurrence from CDFW.

The Commission will consider approving the Conservation Plan, which would be a discretionary approval under the California Environmental Quality Act (CEQA), at the June 11-12, 2025 Commission meeting. The purpose of



the Conservation Plan is to fulfill the requirements articulated in the Western Joshua Tree Conservation Act (WJTCA), codified in Fish and Game Code section 1927.6. The Commission is the CEQA lead agency responsible for taking final action on the plan by June 30, 2025 (Fish & G. Code, § 1927.6, subd. (a)). For purposes of this concurrence request, the Project does not include future amendments to the Conservation Plan, implementation of management actions described in the Conservation Plan, or any development activities.

F. Provide a brief description of the Project location, size, and funding sources. Please cite and attach any supporting documents.

The Conservation Plan provides a comprehensive set of management actions essential to conserve western Joshua tree (*Yucca brevifolia*) in California. The management actions include guidance to avoid and minimize direct and indirect impacts to western Joshua trees, land conservation and management strategies, tribal co-management objectives, research and information gathering that will help inform future conservation, and an approach to provide public education and awareness on western Joshua tree conservation issues. A complete copy of the Conservation Plan, dated June 2025, is included with the concurrence request as Attachment A.

The Conservation Plan includes a geographic focus area encompassing 37,749 square kilometers (9,327,981 acres or 14,575 square miles) in portions of San Bernardino, Kern, Los Angeles, Riverside, Inyo, Mono, Tulare, and Ventura counties in southeastern California, which reflects the location of currently occupied western Joshua tree habitat plus an 8-kilometer (5-mile) buffer to encompass areas that could be suitable for implementation of conservation management actions. Figure 1-2 of the Conservation Plan depicts the boundaries of the geographic focus area (Attachment A, Conservation Plan). Figure 1-1 of the Conservation Plan generally depicts currently occupied habitat; however, some areas beyond this boundary have been identified as potential long-distance assisted migration areas provided research shows this could be an effective management action (see Action R&I 1.12 “Investigate Assisted Migration where Natural Migration is Unlikely” in Section 5.2.4, “Research to Inform Long-Term Conservation”).

The State General Fund was used to fund the development of the Conservation Plan. In addition, the Wildlife Conservation Board provided grant funding to the Native American Land Conservancy (NALC) to reimburse California Native American tribes (Tribes) for time spent contributing to the development of the Conservation Plan.

G. Provide a brief Project description, including any post-restoration work, operation and maintenance, or other related activities. Summarize the Project’s expected environmental benefits (e.g., acres or stream-miles restored/enhanced, species benefitted, etc.). Please cite and attach any supporting documents.

The Conservation Plan provides guidance designed to prevent the extinction of western Joshua tree in the wild, preserve functioning ecosystems that support western Joshua tree, and maintain sustainable populations of western Joshua tree in California over the long-term, such that listing the species under the California Endangered Species Act (CESA) will not be warranted. The Conservation Plan identifies the most urgent and important management actions to guide and inform western Joshua tree conservation, and outlines criteria to help determine the effectiveness of management actions. The Conservation Plan also discusses monitoring of management outcomes, as well as a process to inform and improve the management actions over time.

The Conservation Plan was developed by CDFW in collaboration with the Commission; Tribes; federal, state, and local government agencies; and the public. The Conservation Plan includes a description of management actions necessary to conserve western Joshua tree; objective, measurable criteria to assess the effectiveness of those actions; guidance for the avoidance and minimization of impacts to western Joshua trees; and advisory protocols for the successful relocation of western Joshua trees. The Conservation Plan was developed based on scientific information available to CDFW, incorporates traditional ecological knowledge, and includes tribal co-management principles.

The following provides a summary of the categories of management actions identified in the Conservation Plan:

- Impact avoidance and minimization actions provide guidance to avoid direct and indirect impacts on western Joshua tree. This category also includes activities to minimize impacts on western Joshua tree



from wildland fire through fire risk reduction, suppression, and post-fire restoration (see Section 5.2.1, “Impact Avoidance and Minimization,” of the Conservation Plan).

- Land conservation and management actions are intended to permanently protect western Joshua tree habitat from development and other incompatible human uses, maintain environmental conditions that promote viable populations of western Joshua trees, and establish long-term funding to manage these lands (see Section 5.2.2, “Land Conservation and Management,” of the Conservation Plan).
- Tribal co-management actions are aimed at guiding future decision making and co-management practices. Actions include integrating tribal values, knowledge, and priorities into the management of tribal land or other properties occupied by or suitable for western Joshua tree that may be of religious and cultural significance to Tribes (see Section 5.2.3, “Tribal Co-Management,” of the Conservation Plan).
- Research to inform long-term conservation actions identify research gaps that need to be addressed to improve our scientific understanding of the biology and ecology of western Joshua tree (e.g., conducting genetic studies, investigating fire resilience and postfire recovery) (see Section 5.2.4 “Research to Inform Long-Term Conservation,” of the Conservation Plan).
- Education and awareness actions are designed to enhance public understanding of western Joshua tree ecology, foster community, connect people with their natural world, and inspire people to support conservation of the species. Actions include supporting Tribe-led and designed programs, supporting volunteer opportunities, and encouraging urban conservation (see Section 5.2.5, “Education and Awareness,” of the Conservation Plan).

The following provides a summary of the effectiveness criteria included in the Conservation Plan (see Section 5.3.1, “Effectiveness criteria for Conservation of Western Joshua Tree in California,” of the Conservation Plan):

- By 2033, when the Commission must reconsider whether listing western Joshua tree is warranted, a large and genetically representative distribution of western Joshua tree is permanently protected and managed within 70 percent of priority conservation lands (see Management Actions LC&M 1, LC&M 2, and LC&M 3 in Section 5.2.2 and Appendices F and H of the Conservation Plan).
- A program to monitor and assess western Joshua tree population status based on science is developed and adopted and assessments under the program demonstrate that populations of western Joshua tree are sustainable in California for the foreseeable future (see Management Actions LC&M 3 and LC&M 4 in Section 5.2.2 of the Conservation Plan).
- Cooperative multiagency strategies are implemented to reduce fire risk, fight wildland fires that threaten western Joshua trees, and fund restoration plans in response to wildland fires (see Management Action A&M 3 in Section 5.2.1 of the Conservation Plan).
- Ninety (90) percent of land within California’s predicted climate refugia that is ecologically core, ecologically intact, or moderately degraded when conservation lands are identified under low, moderate, or high emissions scenarios is permanently protected and managed to maximize ecological function for the species and its co-occurring native species (see Section 4.4, “Management Units;” Management Actions LC&M 2 and LC&M 3 in Section 5.2.2; Section 5.4, “Priority Management Actions for Management Units;” and Appendices F and H of the Conservation Plan).
- CDFW identifies initial draft priority conservation areas by December 2025 (see Management Action LC&M 1, Section 5.2.2 and Appendix F of the Conservation Plan).
- The acreage of priority conservation lands preserved in perpetuity increases by 3 to 5 percent every 2 years until the effectiveness criteria related to land protection for conservation of western Joshua tree in California are achieved (see Management Action LC&M 2 in Section 5.2.2 of the Conservation Plan).
- Establishment and sufficient funding of an endowment to fund management of conservation lands (see Management Action LC&M 3 in Section 5.2.2 of the Conservation Plan).



- By 2033, there is at least one US Fish and Wildlife Service-approved agreement that protects and safeguards priority conservation lands representing at least 10 percent of occupied western Joshua tree range on federally owned lands (see Management Actions LC&M 2 and LC&M 3 in Section 5.2.2 of the Conservation Plan).
- By 2028, there is at least one agreement between CDFW or other land managers and Tribes incorporating co-management principles (see Management Actions TCM 1 and TCM 2 in Section 5.2.3 and Appendix G of the Conservation Plan).
- The number of local jurisdictions that incorporate the Conservation Plan's avoidance and minimization measures into plans and policies increases every 2 years (see Management Actions A&M 1 and A&M 2 in Section 5.2.1 and Appendix D of the Conservation Plan).
- The number of jurisdictions that implement guidance for avoiding direct impacts on western Joshua trees during wildland fire suppression and control activities, for fuel treatment implementation, and for preventing accidental ignition of fires during other activities (e.g., construction, recreation) increases every 2 years (see Management Action A&M 3 in Section 5.2.1 and Appendix D of the Conservation Plan).

Implementation of management actions may be carried out by Public agencies, non-governmental organizations, corporations and other business entities, Tribes, researchers, and private citizens may implement management actions that are identified in or informed by the Conservation Plan, but for purposes of CEQA and this concurrence request, implementation of such management actions would be projects that are separate from the Conservation Plan for purposes of CEQA.

H. CDFW recommends direct coordination with all interested California Native American tribes. Please provide a summary of the Lead Agency's engagement with tribes. Be careful not to include any sensitive or confidential information. Please cite and attach any supporting documents.

The WJTCA requires CDFW to collaborate with Tribes and include traditional ecological knowledge and tribal co-management principles into the Conservation Plan (Fish & G. Code, § 1927.6, subs. (a) and (b)). At CDFW's request, the Native American Heritage Commission provided a list of contacts for 170 federally and non-federally recognized Tribes culturally affiliated with the geographic focus area of the Project. Through email invitations, hard-copy letters, and phone calls, CDFW notified these Tribes of available opportunities to engage in the development of the Conservation Plan.

In coordination with the Commission, CDFW prepared and mailed joint consultation invitation letters to notify Tribes of the development of the Conservation Plan and to request tribal input. Tribes were invited to participate in facilitated meetings led by NALC, informational meetings or tribal listening sessions with CDFW, and consultation meetings with CDFW and/or the Commission. Currently, 17 Tribes have participated in one or more of these engagement options.

A community workshop sponsored by NALC and the Lone Pine Paiute-Shoshone Tribe was held to provide tribal communities with an opportunity to gain information about WJTCA and the Conservation Plan, and to assist in the development of the Conservation Plan by sharing information about the cultivation and preservation of western Joshua trees. Sixteen Tribe members from seven Tribes attended the workshop.

The Tribes that have engaged with CDFW and NALC regarding development of the Conservation Plan were invited to review and comment on a preliminary draft of the Conservation Plan.

Tribal outreach and consultation are ongoing and will continue to inform updates to the Conservation Plan. CDFW will continue to work with all Tribes interested in engaging in co-management practices with CDFW and in receiving western Joshua trees relocated from other areas. Tribes will also have opportunities to review and comment on the future versions of the Conservation Plan.

A detailed summary of CDFW's tribal engagement and collaboration process, which was completed in accordance with CDFW's Tribal Communication and Consultation Policy and the Commission's Tribal Consultation Policy, is provided in Section 1.3.2, "California Native American Tribes," and Appendix C, "Tribal



Input Summary Memo,” of the Conservation Plan. Foundational commitments by CDFW for continuing development of co-management principles with Tribes are described in Appendix G of the Conservation Plan.

I. CDFW recommends public outreach and coordination with interested parties and public agencies. Please provide a summary of the Lead Agency’s engagement with interested parties and public agencies. Please cite and attach any supporting documents.

In addition to the collaboration with Tribes described above, the WJTCA requires CDFW to develop the Conservation Plan in collaboration with governmental agencies, the public, and the Commission (Fish & G. Code, § 1927.6, subds. (a) -(b)). During Conservation Plan development, CDFW conducted virtual outreach meetings and focused follow-up meetings with local, state, and federal agencies that own, manage, or have jurisdiction over lands within the Conservation Plan’s geographic focus area. Section 1.3.1, “Local, State, and Federal Government Agencies,” provides a summary of the input CDFW received from various government agency outreach meetings.

CDFW also held two virtual public outreach meetings. Meeting invitations were sent broadly and included, but were not limited to, property owners, trade association representatives, nonprofit land conservancy and conservation association representatives, regulatory consultants, and legislative office representatives. CDFW also emailed invitations to individuals representing communities and organizations working in environmental justice within the Conservation Plan geographic focus area. Section 1.3.3, “Public” and Appendix B, “Agency and Public Input Summary Memo,” of the Conservation Plan provides a summary of the input CDFW received from various public outreach meetings.

CDFW maintains a website dedicated to the Conservation Plan, which provides an overview of the Conservation Plan, updates on the Conservation Plan’s development, directions for providing comments, and important upcoming dates. The website includes an email address, WJT@wildlife.ca.gov, by which the public can share suggestions, ask questions, and provide feedback.

An earlier draft of the Western Joshua Tree Conservation Plan was made available for public review starting November 22, 2024. Since then, the Commission has accepted public comments on the plan by email and mail. At the February 12, 2025, Commission meeting, CDFW presented a December 2024 draft of the plan and information regarding ongoing efforts to conserve western Joshua tree. The meeting was open for any interested party to participate and provide comment both in person and virtually; written and verbal comments were received by the Commission and considered for changes to the draft plan.

Following the February Commission meeting, CDFW held two additional virtual public workshops on March 10, 2025, to hear and address additional public comments on the draft Conservation Plan and WJTCA.

On June 3, 2025, CDFW transmitted the Commission the most current draft of the plan, dated June 2025, and attached to this concurrence request as Attachment A.

4. REQUIRED DETERMINATIONS

Using substantial evidence and best available science, provide a determination and explanation for each SERP criteria listed below:

A. The Project is exclusively one or both of the following: (1) a project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, and the habitat upon which they depend, or (2) a project to restore or provide habitat for California native fish and wildlife.



The Commission has determined that the Conservation Plan is exclusively a project to conserve, restore, protect, or enhance, and assist in the recovery of California native fish and wildlife, focused on conservation of western Joshua tree and the habitat upon which the species depends. This purpose is consistent with the statutory mandate for development of the Conservation Plan in Fish and Game Code section 19217.6.

Please provide an explanation supporting the above determination. Please cite and attach any supporting documents.

The Conservation Plan provides a framework for a statewide approach for conserving western Joshua tree in California. Management actions outlined in the Conservation Plan are intended to conserve, restore, protect, enhance, and assist in the recovery of western Joshua tree and its habitat, as well as other species that depend on western Joshua tree.

B. An eligible project may have incidental public benefits, such as public access and recreation.

The Commission has determined that the Conservation Plan may have incidental public benefits as an educational resource.

Please provide an explanation supporting the above determination. Please cite and attach any supporting documents.

The Commission has determined that the Conservation Plan may have an incidental educational benefit to the public as a science-based planning resource. The Conservation Plan may enhance public understanding of western Joshua tree ecology, foster community pride and involvement in western Joshua tree conservation, connect people with the natural world, and inspire people to care about western Joshua tree and its habitat so they will support and contribute to the conservation of the species.

C. The Project does both of the following: (1) Results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) Includes procedures and ongoing management for the protection of the environment.

The Commission has determined that the Conservation Plan does both of the following: (1) results in long-term net benefits to climate resiliency, biodiversity, and sensitive species recovery; and (2) includes procedures and ongoing management for the protection of the environment.

For each criterion below, please provide an explanation supporting the above determination. Please cite and attach any supporting documents.

Long-Term Net Benefits to Climate Resiliency:

The Conservation Plan is designed and expected to result in long-term net benefits to climate resiliency. Climate change is one of the primary threats to western Joshua tree. The Conservation Plan provides information about this threat and discusses management actions that will improve the resilience of western Joshua tree as it pertains to climate change. The Conservation Plan highlights the need to investigate the effects of climate variability patterns on western Joshua tree recruitment, survival, and population density (see Action R&I 1.10 in Section 5.2.4 of the Conservation Plan) because understanding the species' tolerance for future environmental conditions (e.g., changes in precipitation levels or frequency, higher or lower temperatures) that would occur as a result of climate change will help determine management actions that ensure its resilience in the long term. The Conservation Plan encourages the use of science-based assisted gene flow methods to introduce climate-adapted genes into stands of western Joshua trees, thereby enhancing their capacity for climate adaptation and resilience (see Management Action LC&M 4 in Section 5.2.2 of the Conservation Plan). The Conservation Plan also identifies the need for continued research to best inform this practice (see Action R&I 1.1 and Action R&I 1.4 in Section 5.2.4 of the Conservation Plan). The Conservation Plan highlights the importance of collecting western Joshua tree seeds to preserve genetic diversity and to provide source material for future restoration in existing habitat or outplanting to other viable locations, such as currently unoccupied habitat modeled as climate



refugia (see Action A&M 2.4 in Section 5.2.1 of the Conservation Plan). The Conservation Plan also encourages research on the feasibility, practicality, effectiveness, and risks of assisted migration into areas modeled as climate refugia to which western Joshua tree cannot naturally migrate (see Action R&I 1.12 in Section 5.2.4 of the Conservation Plan).

The Conservation Plan also includes land conservation and management actions focused on identifying, protecting, and managing climate refugia for western Joshua tree (see Appendix F, “Conservation Lands Prioritization” in the Conservation Plan). For example, the Conservation Plan explains the importance of prioritizing management and conservation efforts on western Joshua tree populations that meet criteria for resiliency to climate change and that have demographic signatures of long-term viability (see Management Action LC&M 1 in Section 5.2.2 of the Conservation Plan). The Conservation Plan also proposes actions to reduce climate change-related stressors to western Joshua tree, such as implementing fuel treatments to reduce the risk of wildland fire (see Management Action A&M 3 in Section 5.2.1 and Actions A&Ms 3.4.1 and 3.5.1 in Appendix D of the Conservation Plan).

The protection, restoration, and enhancement of climate refugia for western Joshua tree would also promote climate resiliency of species that are dependent on or associated with western Joshua tree and its habitat, as well as the broader ecosystem.

Conservation of trees through relocation, as contemplated in the Conservation Plan, will help preserve trees that may otherwise be destroyed. These trees can continue to serve as a carbon sink, helping to alleviate (albeit in to a small degree) greenhouse gas buildup through continued growth and to ensure that carbon already in the plants are not released upon their destruction. The fact that the trees are long-lived ensures what carbon capture does occur will remain for a long time.

Long-Term Net Benefits to Biodiversity:

The Conservation Plan is designed and expected to result in long-term net benefits to biodiversity. Western Joshua tree plays an important ecological role in the southwest desert ecosystem. Public agencies, non-governmental organizations, corporations and other business entities, Tribes, researchers, and private citizens may implement management actions that are identified in or informed by the Conservation Plan (as separate future projects), which would benefit western Joshua tree, as well as numerous native organisms that occur in western Joshua tree habitat. Mohave ground squirrel (*Xerospermophilus mohavensis*), which is listed as threatened under CESA, stores and consumes western Joshua tree seeds; and tricolored blackbird (*Agelaius tricolor*), which is also listed as threatened under CESA, has been observed foraging for arthropods within Joshua tree inflorescences. Desert tortoise (*Gopherus agassizii*) is listed as threatened under the Federal Endangered Species Act, is currently listed as threatened under CESA, and is a candidate for listing as endangered under CESA; desert tortoise is known to construct burrows under fallen Joshua tree limbs. Swainson’s hawk (*Buteo swainsoni*), which is listed as threatened under CESA; loggerhead shrike (*Lanius ludovicianus*), a state species of special concern; and other avian species have been documented nesting in western Joshua tree. These species will also benefit from the Conservation Plan. Additionally, the yucca moth (*Tegeticula synthetica*), which is the sole pollinator for western Joshua tree, also relies on the western Joshua tree seeds as food for its larvae, and would also benefit from western Joshua tree conservation. Western Joshua trees are the characteristic species in the Joshua tree woodland alliance and can be found in other vegetation communities, including California juniper woodland, foothill pine woodland, and blackbrush scrub alliances. Native plant species that occur within these vegetation communities, including “nurse plants” (i.e., plants that protect western Joshua tree seedlings) may benefit from management actions described in the Conservation Plan. For example, the Conservation Plan includes guidance for removing and preventing the spread of invasive plant species, which would reduce fire risk and competition for light, space, and nutrients for native plants within these vegetation communities. Native plant species that would likely benefit from western Joshua tree conservation include blackbrush, creosote bush, and singleleaf pinyon pine. In addition, mycorrhizal fungi that live in the soil and form a mutualistic symbiotic relationship with western Joshua tree may benefit from management actions. Refer to Section 4.2, “Wildlife Values and Ecological Function of Western Joshua Tree,” of the Conservation Plan and references therein for additional information.



Long-Term Net Benefits to Sensitive Species Recovery:

The Conservation Plan is designed and expected to result in long-term net benefits to western Joshua tree, a candidate for listing under CESA. The Conservation Plan provides a statewide strategy for the conservation of the species. The Conservation Plan was designed to guide and inform the planning of future projects that may affect western Joshua tree. Sections 5.2.2, 5.2.4, and 5.2.5 of the Conservation Plan describe categories of management actions that would result in long-term benefits to western Joshua tree recovery. Specific examples of such management actions include the following:

- Management Action LC&M 4 encourages the use of a comprehensive restoration approach to return ecosystem functions to degraded sites or to enhance a site's resilience, ecological function, and ability to recruit western Joshua trees. The goal of habitat restoration and enhancement is to return the habitat to a self-sustaining condition (see Section 5.2.2 of the Conservation Plan).
- Management Action LC&M 5 highlights the importance of developing and implementing a seed conservation strategy that includes protocols for seed collection, storage, and distribution for conservation and recovery purposes that will ensure long term preservation of a viable, genetically diverse western Joshua tree population (see Section 5.2.2 of the Conservation Plan).
- Action R&I 1.8 emphasizes the need for research on fire resilience and post-fire recovery to better inform land management activities (see Section 5.2.4 of the Conservation Plan).
- Action E&A 1.8 calls for CDFW and local governments to encourage landowners to participate in urban conservation and recovery efforts (see Section 5.2.5 of the Conservation Plan).

The Conservation Plan would also result in long-term benefits to other sensitive wildlife species that occur within western Joshua tree habitat, such as Mohave ground squirrel, Swainson's hawk, and tricolored blackbird, which are listed as threatened under CESA ;, and desert tortoise, which is a candidate to be uplisted from threatened to endangered under CESA and is listed as threatened under the federal Endangered Species Act.

Procedures for the Protection of the Environment:

The Conservation Plan includes procedures for the protection of the environment. The purpose of the Conservation Plan is to protect, conserve, and restore Western Joshua tree, its habitat, and other species that co-occur with or rely on western Joshua tree (Pub. Resources Code, § 21060.5; Cal. Code Regs., tit. 14, § 15382).

The Conservation Plan provides guidance for land conservation and management actions that would permanently protect western Joshua tree habitat from development and other incompatible human uses, and describes protocols for acquiring, protecting, and managing those lands (see Section 6.7, "Land Acquisition Protocols").

The Conservation Plan also provides best management practices and protocols to protect the environment during implementation of management actions. Appendix D, "Avoidance and Minimization Best Management Practices and Guidelines," of the Conservation Plan includes measures to: avoid pesticide drift; prevent the spread of invasive plants; reduce the potential for accidental ignition of fires; and minimize loss of western Joshua tree and habitat during fire suppression and control activities, implementation of fuel treatments, and postfire rehabilitation. Appendix E, "Relocation Guidelines and Protocols," provides information and guidance regarding how and when to relocate western Joshua trees to minimize impacts to populations, prevent habitat fragmentation, and preserve connectivity corridors for gene flow and pollinator migration.

Ongoing Management for the Protection of the Environment:

The Conservation Plan includes ongoing management for the protection of the environment. The Conservation Plan provides a framework for Land Conservation and Management actions that could be carried out on a long-term basis to ensure that conserved lands continue to support sustained populations of western Joshua trees and the natural processes on which they depend. The Conservation Plan also encourages the development of long-term monitoring and management plans or conservation easement stewardship agreements for conserved



lands per Action LC&M 3.1 (see Section 5.2.2 of the Conservation Plan). These potential, future plans or agreements, which would be separate projects for purposes of CEQA, may include invasive species control, fuel break maintenance, fence repair, garbage removal, monitoring, and adaptive management to avoid, minimize, and remediate ongoing and persistent threats to western Joshua tree (see Management Action LC&M 3 in Section 5.2.2 of the Conservation Plan). Informed by the protocols for land acquisition described in Section 6.7, “Land Acquisition Protocols,” written agreements with state and federal agencies for long-term monitoring and management may benefit western Joshua tree on priority conservation lands (see Action LC&M 3.2 in Section 5.2.2 of the Conservation Plan). In addition, the Conservation Plan highlights the importance of securing funding for long-term land management, which would be necessary to ensure that critical monitoring and management activities are implemented (see Action LC&M 3.3 in Section 5.2.2 of the Conservation Plan). The Conservation Plan also includes guidance for establishing co-management principles in collaboration with Tribes that would allow for ongoing management for the protection of the environment (see Action TCM 1 in Section 5.2.3 of the Conservation Plan). Further, Appendix E, “Relocation Guidelines and Protocols,” provides guidance and protocols for increasing the survival rate of relocated western Joshua trees, including information on post-relocation maintenance, monitoring, and reporting (see Action R&I 1.11 in Section 5.2.4 of the Conservation Plan).

The Conservation Plan provides guidance for evaluating whether the effectiveness criteria have been met (included in Section 5.3 of the Conservation Plan), including the collection of western Joshua tree data to monitor and assess the species’ population status. The Conservation Plan also discusses metrics that measure the effectiveness of the management actions and recommends development of new or more refined effectiveness criteria as new information is gathered. CDFW will also prepare and submit to the Commission an annual report assessing the conservation status of western Joshua tree and actions taken, informed by the Conservation Plan, as required by the WJTCA (Fish & G. Code, § 1927.7, subd. (a); see also Section 6.5, “Permitting and Regulations” of the Conservation Plan).

The Conservation Plan describes a process to evaluate the efficacy of implemented management actions in Section 1.5, “Western Joshua Tree Conservation Adaptive Management Framework” and Section 6.8.3, “Plan Amendments and Adaptive Management.” Starting in 2026 and at least every 2 years thereafter, the Commission will review the status of western Joshua tree and the effectiveness of the Conservation Plan in conserving the species at a public meeting held prior to August 31 (Fish & G. Code, § 1927.8). In conjunction with each review, CDFW will recommend to the Commission amendments to the Conservation Plan, as necessary to ensure the conservation of the species.

D. The Project does not include any construction activities, except for construction activities solely related to habitat restoration.

The Commission has determined the Conservation Plan does not include any construction activities.

Please provide an explanation supporting the above determination. Please cite and attach any supporting documents.

The Conservation Plan is a planning document for the recovery of western Joshua tree. Approval of the Conservation Plan would not directly authorize or result in any construction activities, whether solely related to habitat restoration or otherwise. The only connection that the Conservation Plan may have to any construction activities is by informing potential management actions to help conserve western Joshua tree or avoidance, minimization, and mitigation measures for future development activities that may impact western Joshua tree. Measures may be required as part of approval or permitting processes for construction activities. For purposes of CEQA, any such future construction activities or management actions will be undertaken as projects that are separate from the Conservation Plan; no public agency should rely on this concurrence request and the concurrence from the CDFW Director, should such concurrence be issued, as a basis for complying with CEQA.



State of California – Department of Fish and Wildlife
CEQA RESTORATION STATUTORY EXEMPTION REQUEST FORM
DFW 21080.56 (New 11/09/23) Page 10

5. CERTIFICATION

I certify that I have the authority to determine whether a project is exempt pursuant to CEQA Guidelines section 15025(a)(1), and this Project meets all the requirements described in Public Resources Code section 21080.56, and that I have submitted all the determinations required therein necessary to obtain the concurrence of the Director of Fish and Wildlife.

DocuSigned by:

A handwritten signature in blue ink that reads "Melissa A. Miller-Henson".

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6/4/2025

Date: _____

Lead Agency Signature

Printed Name and Title: Melissa Miller-Henson, Executive Director