State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Habitat Conservation Planning Branch
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Notice of Preparation of a Draft Program Environmental Impact Report and Notice of Public Scoping Meeting: Western Joshua Tree Conservation Act Permitting Program

Date: November 18, 2025

To: Responsible Agencies, Trustee Agencies, and Interested Persons

From: California Department of Fish and Wildlife

RE: Notice of Preparation of a Draft Program Environmental Impact Report and Notice of Public Scoping Meeting: Western Joshua Tree Conservation Act Permitting Program

In accordance with the provisions of the California Environmental Quality Act (CEQA), the California Department of Fish and Wildlife (CDFW) has determined that the Western Joshua Tree Conservation Act Permitting Program (proposed program) will require preparation of a Program Environmental Impact Report (EIR). The purpose of this Notice of Preparation (NOP) is to describe the proposed program, briefly explain the proposed program's potential environmental effects, and provide an opportunity for the public, interested parties, and public agencies to comment on the scope and proposed content of the Program EIR. This NOP initiates the CEQA scoping process. CDFW will hold a scoping meeting to receive public input on the scope and content of the Program EIR. Documents related to this Program EIR will be available for review on CDFW's website at: https://wildlife.ca.gov/Notices/CEQA.

NOP Public Comment Period: November 18, 2025, to December 17, 2025

Public Scoping Meeting: December 9, 2025, Virtual Meeting, see Section 5 below

1 PROGRAM BACKGROUND

The Western Joshua Tree Conservation Act (WJTCA) (Fish & G. Code, sections 1927–1927.12) allows CDFW to issue take authorizations for projects that involve the removal or relocation of western Joshua trees (*Yucca brevifolia*) if a permittee meets certain conditions. CDFW must comply with CEQA to issue a take authorization under the WJTCA. These new regulatory requirements and associated costs can be particularly burdensome on project proponents and property owners seeking individual incidental take permits (ITP) for small-scale projects with limited impacts to western Joshua trees. The Program EIR is intended to provide a streamlined mechanism of CEQA compliance for property owners or land managers engaging in actions with potential to result in limited take of western Joshua tree, as authorized under the WJTCA. The Program EIR includes coverage of actions by CDFW on its own properties.

2 PROGRAM LOCATION

The proposed program will be implemented within the geographic focus area described in Chapter 1 of the Western Joshua Tree Conservation Plan (CDFW 2025a), which contains the species' current range. As defined in the Western Joshua Tree Conservation Plan, the geographic focus area reflects the general location of currently occupied western Joshua tree habitat plus an 8-kilometer (5-mile) buffer. The geographic focus area encompasses portions of Mono, Inyo, Tulare, Kern, San Bernardino, Ventura, Los Angeles, and Riverside counties, which are within CDFW Regions 4 (Central), 5 (South Coast), and 6 (Inland Deserts) (Figure 1).



Source: Data provided by CDFW in 2024; adapted by Ascent in 2025.

Figure 1 Western Joshua Tree Conservation Act Permitting Program Area

3 PROGRAM DESCRIPTION

3.1 PERMITTING PROGRAM OVERVIEW

To support the efficiency of the WJTCA Permitting Program, the Program EIR is designed to be a tool to conserve western Joshua tree while substantially reducing the time and cost burdens on applicants whose projects qualify for program coverage by streamlining CEQA review of individual WJTCA ITP applications. Pursuant to California Code of Regulations, title 14 (CEQA Guidelines), section 15168, when CDFW can make a finding that a proposed project falls within the scope of the Program EIR, applicants and lead agencies may rely on the Program EIR for CEQA compliance and would not be required to prepare an additional CEQA document for CDFW issuance of an ITP. This finding would be supported by a simplified "within-the-scope" checklist template developed as a component of the Program EIR. The Program EIR will include standardized measures to conserve western Joshua tree and avoid, minimize, and mitigate environmental impacts related to the proposed program.

In general, activities covered under the proposed program would be limited to (a) actions within an existing parcel with no new subdivision of land, and (b) tree removal or trimming that does not qualify for a Hazard Management Permit. Actions authorized under the Program EIR must include all practicable measures to avoid and minimize take.

3.2 QUALIFYING PROJECTS

The proposed program would cover qualifying projects with take limitations based on project type. Where take limitations are based on a number of western Joshua trees removed, other forms of take such as trimming, encroachment on root system, and relocation of western Joshua trees would not count against this limit. Proposed qualifying projects consist of the following:

- Construction or modification of a single-family residence and associated accessory structures (as defined in Fish & Game Code section 1927.1, subdivision (a)).
- Construction or modification of accessory structures (as defined in Fish & Game Code section 1927.1, subdivision (a)) within a parcel currently occupied by a single-family residence.
- Construction of a multiple-family residential structure or its accessory structures (as defined in Fish & Game Code section 1927.1, subdivision (a)) on an existing parcel of one acre or less and with removal of 50 individual western Joshua trees or less.
- Modification of a multiple-family residential structure or its accessory structures (as defined in Fish & Game Code section 1927.1, subdivision (a)) on an existing parcel with removal of up to 50 individual western Joshua trees.
- Modification of existing commercial, industrial, institutional, or religious structures, including existing on-site infrastructure on an existing parcel with removal of up to 50 individual western Joshua trees.

The proposed program would also cover qualifying projects where take does not exceed the program's specified limit on the maximum number of trees removed. Applicants would be allowed to relocate western Joshua trees in accordance with CDFW's *Western Joshua Tree Relocation Guidelines and Protocols* (CDFW 2025b) to reduce the number of trees counted toward the removal limit. These activities are anticipated to include:

- Construction of new utility and infrastructure projects including post-construction maintenance and operations, new utility connections to existing infrastructure, and upgrades to existing facilities with removal of up to 50 individual western Joshua trees per project.
- Modification of existing utilities, infrastructure, facilities, and buildings, including maintenance and operations, and upgrade of existing infrastructure, facilities, or buildings with removal of up to 50 individual western Joshua trees per project.

- Defensible space and on-site fire safety actions around existing buildings and facilities on existing parcel(s) of a project site with removal of up to 50 individual western Joshua trees per project.

Where a limit is included on the number of western Joshua trees that can be removed, the take authorization for a proposed project may be further limited to a number or percentage of trees within the largest size class (5 meters (16.4 feet) or greater in height).

Activities that would not be covered under the proposed program and would require appropriate independent CEQA review include but are not limited to the construction of land use developments that involve property subdivisions in any state of the approval process from proposed to approved, industrial-scale renewable energy projects, and new or existing mining operations.

Construction and maintenance activities under the proposed program may include tree removal, trimming, relocation, and encroachment on root system, in connection with the covered activities described above. Physical actions associated with these activities would involve disturbance of surface and near-surface soil and limited and temporary use of equipment and vehicles. The requirements and application process for a WJTCA ITP are presented at: https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/Permitting/WJTCA-ITP.

4 POTENTIAL ENVIRONMENTAL EFFECTS

Pursuant to CEQA Guidelines section 15063, subdivision (a), CDFW has elected to proceed directly to the preparation of a draft Program EIR rather than preparing an Initial Study. The Program EIR will evaluate the potential environmental effects of issuance of WJTCA ITPs for a defined set of covered activities anticipated to result in incidental take of western Joshua trees. As required by CEQA, the Program EIR will describe existing conditions and evaluate the potential environmental effects, including direct, indirect, and cumulative effects, of the proposed program and a reasonable range of alternatives, including the no-project alternative. The Program EIR will identify feasible mitigation measures, if available, to reduce potentially significant impacts. At this time, CDFW has identified the potential for environmental effects in the areas identified below:

- Biological Resources. Special-status plant and wildlife species either are known to or could potentially occur within the program area, including, but not limited to western Joshua tree, desert tortoise (*Gopherus agassizii*), burrowing owl (*Athene cunicularia*), Mohave ground squirrel (*Xerospermophilus mohavensis*), American badger (*Taxidea taxus*), and desert kit fox (*Vulpes macrotis*). In addition, sensitive habitats, including sensitive natural communities are also either known to or could potentially occur within the program area, including, but not limited to Joshua tree woodland. Implementation of the program could result in disturbance of special-status species, their habitat, and sensitive habitats such as sensitive natural communities. In addition, implementation of the program could result in impacts on wildlife movement corridors and wildlife nursery sites in the program area. These issues will be evaluated in the Program EIR. The biological resources analysis will also evaluate consistency with local policies and adopted plans, including the Coachella Valley Multiple Species Habitat Conservation Plan.
- Archaeological and Tribal Cultural Resources. Because program implementation would involve ground disturbance, the Program EIR will evaluate the potential to adversely affect buried archaeological and tribal cultural resources and will identify protective measures to reduce those impacts. In addition, the Program EIR will document the results of Assembly Bill 52 consultation with California Native American tribes and any agreements on mitigation measures for protection of tribal cultural resources.

The following environmental areas are expected to be dismissed from further consideration in the Program EIR because impacts would clearly be less than significant for the reasons provided:

- Aesthetics. The number of western Joshua trees involved would be limited due to tree removal limits set in Section 3.2, "Covered Activities." As such, there would not be a substantial change in the appearance of the landscape.

- **Air Quality, Energy, Greenhouse Gas Emissions.** Emissions and energy consumption would be limited and temporary.
- **Agriculture and Forestry Resources, Mineral Resources.** No land use changes would occur.
- **Geology and Soils, Paleontological Resources, Hazards and Hazardous Materials, Hydrology and Water Quality, Wildfire.** Tree removal and relocation would involve limited movement of surface and near-surface soil. Tree removal may decrease the risk of wildfire and tree relocation would not result in a net increase in wildfire risk. In addition, no land use changes would occur.
- **Land Use, Population and Housing, Public Services, Utilities and Service Systems.** No changes in land use or demands for public services or utilities would occur.
- **Transportation.** The use of equipment and vehicles would be limited and temporary.
- **Noise and Vibration.** The use of noise-generating equipment would be limited and temporary.

5 PUBLIC SCOPING MEETING

CDFW will conduct a virtual public scoping meeting on December 9, 2025, at 5:30 p.m. to inform interested parties about the program, and to provide agencies and the public with an opportunity to provide comments on the scope and content of the Program EIR. The scoping meeting will include a brief presentation providing an overview of the CEQA process for the proposed program followed by opportunity for public comments.

The public scoping meeting will be held virtually via Zoom webinar. Participants must register in advance at the following link: https://us06web.zoom.us/webinar/register/WN_42XLcIFWTFyqU1lbN5w7GQ#/registration. After registering, participants will receive the meeting link via email to log into the webinar on December 9, 2025.

6 PROVIDING COMMENTS ON THIS NOTICE OF PREPARATION

Written comments on the NOP should be provided no later than 5:00 p.m. on December 17, 2025. Please send comments to:

California Department of Fish and Wildlife
Attention: Karen Carpio
Habitat Conservation Planning Branch
P.O. Box 944209
Sacramento, CA, 94244-2090

Or via E-mail: WJTCEQA@wildlife.ca.gov (include "Western Joshua Tree Conservation Act Permitting Program – NOP Comments" in subject line)

If you are from an agency that will need to consider the Program EIR when deciding whether to issue permits or other approvals for the proposed program, please provide the name of a contact person. Comments provided by email should include the name and mailing address of the commenter in the body of the email.

6.1 FOCUS OF INPUT

CDFW will rely on responsible and trustee agencies to provide information relevant to the analysis of resources within their jurisdiction. CDFW encourages input on the scope and content of the Program EIR, with a focus on the following topics:

- **Scope of Environmental Analysis.** Guidance on the scope of analysis for this Program EIR, including identification of specific issues that will require closer study due to the location, scale, and character of the Program EIR;

- **Mitigation Measures.** Ideas for feasible mitigation that would avoid, eliminate, or reduce potentially significant or significant impacts;
- **Alternatives.** Suggestions for alternatives to the Program EIR that could potentially reduce or avoid potentially significant or significant impacts; and
- **Interested Parties.** Identification of public agencies, public and private groups, and individuals that CDFW should notice regarding this project and the accompanying Program EIR.

7 REFERENCES

California Department of Fish and Wildlife. 2025a. *Volume I: Western Joshua Tree Conservation Plan*. Available: https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/Conservation-Plan. Accessed October 10, 2025.

———. 2025b (August). *Western Joshua Tree Relocation Guidelines and Protocols*. Available: https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=224036&inline. Accessed October 10, 2025.

CDFW. *See* California Department of Fish and Wildlife.