



September 28, 2020

**DEVELOPMENT ADVISORY**

Western Joshua Tree

On September 22, 2020, the California Fish and Game Commission ("Commission") voted 4-0 making the Western Joshua Tree (*Yucca brevifolia*) a Candidate Species for listing as a threatened or endangered species under the California Endangered Species Act (CESA).

Within 12-months (with a possible 6-month extension) the California Department of Fish and Wildlife (CDFW) will give its report and recommendation to the Commission on the candidacy for listing and the Commission shall make a final decision as to listing the Joshua Tree thereafter.

During this candidacy period, the Western Joshua Tree is protected under CESA during the remainder of the listing process. The Western Joshua Tree species are now protected from unauthorized take under CESA Section 2085. A take may be authorized by the CDFW under a 2081 incidental take permit.

Also, on September 22, 2020, the Commission voted 3-1 to authorize a take permit under CESA 2084 for 16 shovel ready solar projects. This rulemaking does not apply to other projects, including other shovel ready projects within the Western Joshua Tree range. However, the CDFW is currently considering the possibility of conditional takes under Section 2084 for certain routine, small scale projects authorized by local government.

Should a property owner, applicant, contractor, developer have a Western Joshua Tree on a project property, the subject tree is now protected. Until further notice, unless additional rulemaking is authorized by the Commission, the removal of a Western Joshua Tree will require a 2081 take permit from the CDFW prior to removal or relocation of the species. The 2081 incidental take permit may be applied for at <https://wildlife.ca.gov/Conservation/CESA/Permitting>.

Staff will continue to monitor this situation, as we anticipate guidance to be provided from CDFW and the Commission to the development community. Should you have any questions, please contact our Planning Division at 760-955-5135 or by email at [planning@victorvilleca.gov](mailto:planning@victorvilleca.gov).

A handwritten signature in blue ink that reads 'Jenele Davidson'.

Jenele Davidson  
Deputy City Manager