

## Western Joshua Tree Quick Reference Guide

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*This guide applies to parcels containing Western Joshua Trees (WJT) and answers common questions related to state permits and WJT conservation required by the state. This material is for guidance/general information only and should not be construed as legal advice or legal opinion. If you have any questions or concerns, please contact the California Department of Fish and Wildlife at [WJT@wildlife.ca.gov](mailto:WJT@wildlife.ca.gov).*

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### Background

Effective July 2023, the Western Joshua Tree Conservation Act, a state law, requires that any property owner with a Western Joshua Tree (WJT) on their land comply with new protections established by the California Department of Fish and Wildlife (CDFW). This law prohibits the removal, relocation, or disturbance of any Western Joshua Tree without state authorization. These requirements are set by the State of California, not by the County, but the County is obligated to follow and enforce provisions, including issuance of a state permit, by said state law. These are not San Bernardino County permits.

### Permitting

CDFW issues two types of permits:

1. **Hazard Management Permit (HMP):** Issued at no cost to a property owner for the removal or trimming of dead WJTs and the trimming of live WJTs that are considered hazardous (i.e. posing a risk to structures or public health and safety).
2. **Incidental Take Permit (ITP):** Issued to a property owner for the take (i.e., removal, trimming, encroachment upon, and relocation) of living and dead WJTs that are *not* considered hazardous (i.e., not posing a risk to structures or public health or safety). Permittees may pay specified fees in lieu of conducting project-specific mitigation activities.

### Contacts

If you have any questions or concerns, please contact CDFW at [WJT@wildlife.ca.gov](mailto:WJT@wildlife.ca.gov) or the CDFW state regional office: **Region 6 (serving San Bernardino County)**  
(909) 484-0167 | [AskRegion6@wildlife.ca.gov](mailto:AskRegion6@wildlife.ca.gov)

## Permits (HMP)

If a WJT poses a risk to structures or public health and safety, an HMP may be issued by CDFW to a property owner, if conditions are met, for either:

- The removal or trimming of a dead WJT; or
- The trimming of a living WJT. (Note that the trimming of a live WJT must not result in the death of the tree, i.e., trees cannot be trimmed of all its live branches).

HMP guidelines include, but are not limited to:

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| <b>Application Process</b>   | <p>The application must be completed by the property owner.</p> <p>To apply for a HMP,</p> <ol style="list-style-type: none"> <li>1. Follow CDFW's online '<a href="#">How-To' guide</a>.</li> </ol> <p><b>OR</b></p> <ol style="list-style-type: none"> <li>2. <a href="#">Download a Western Joshua Tree Hazard Management Permit Application</a>, and submit the application to <a href="mailto:WJTHazardPermit@wildlife.ca.gov">WJTHazardPermit@wildlife.ca.gov</a>.</li> </ol> |
| <b>Application Documents</b> | <p>HMP applications must include:</p> <ol style="list-style-type: none"> <li>1. Completed and signed application form</li> <li>2. Photos of the tree(s) and/or limb(s) proposed for trimming or removal.</li> </ol>   |
| <b>Fees</b>                  | <p>No fees.</p>   |
| <b>Tree Condition</b>        | <p>The subject WJT or tree limbs must meet <b>at least one</b> of the following conditions:</p> <ol style="list-style-type: none"> <li>1. Has fallen over and is within 30 feet of a structure;</li> <li>2. Is leaning against an existing structure; or</li> <li>3. Creates an imminent threat to public health and safety.</li> </ol>   |
| <b>Removal/Trimming</b>      | <p>Property owners and their agents may remove detached dead WJTs and detached limbs of WJTs after obtaining an HMP.</p> <p>Trimming or removal of rooted WJTs must be completed by a desert native plant specialist.</p>   |

## Incidental Take Permits (ITP)

If a WJT may be impacted by the completion of a project such as the development of renewable energy, or housing, CDFW may issue an ITP to the applicant, provided that certain conditions are met for the removal, trimming, encroachment upon, and relocation of the tree.

ITP guidelines include, but are not limited to:

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| <b>Application Process</b>   | <p>The application may be submitted by the property owner, their agent, or a business.</p> <p>To apply for an ITP:</p> <ol style="list-style-type: none"> <li>1. <a href="#">Review the WJTCA ITP process guide.</a></li> <li>2. <a href="#">Perform the WJT Census.</a></li> <li>3. <a href="#">Fill out the application form.</a></li> <li>4. Assemble and submit documents to the state regional office.</li> </ol>   |
| <b>Application Documents</b> | <p>ITP applications must include:</p> <ul style="list-style-type: none"> <li>• Completed and signed application form</li> <li>• Detailed project description</li> <li>• Project plans, construction specifications, and maps</li> <li>• CEQA documents, if available</li> <li>• WJT Census (data, photographs, and map)</li> <li>• WJT relocation maps and figures, if applicable</li> </ul>   |
| <b>Fees</b>                  | <p>Fees are based on the project location, number, and size of trees to be taken and are paid directly to CDFW prior to the issuance of an ITP.</p>  |
| <b>Conditions</b>            | <p>Permit conditions may include avoidance and minimization measures, such as relocation of WJT, avoidance buffers, seed collection, limits on pesticide use, and use of desert native plant specialists.</p>  |
| <b>Relocation Conditions</b> | <p>Should relocation be a permit condition, relocation measures include, but are not limited to:</p> <ol style="list-style-type: none"> <li>1. A requirement that the relocated WJT is placed in a location and with proper orientation that would improve its chances of survival.</li> <li>2. A requirement that WJTs are relocated at a time that maximizes their chance of survival when feasible.</li> <li>3. A requirement that a desert native plant specialist be onsite to oversee relocation.</li> </ol> |

## Frequently Asked Questions

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| <p><b>How big is the WJT buffer?<br/>How close can my home or accessory structure be to a WJT?</b></p> | <p>The buffer will vary depending on site-specific factors such as tree size, topography and soil conditions. For guidance on buffer distances, please contact CDFW at <a href="mailto:WJT@wildlife.ca.gov">WJT@wildlife.ca.gov</a>.</p>   |
| <p><b>What is considered a structure?</b></p>  | <p>A structure may include, but is not limited to, a residence, accessory dwelling unit or addition to an existing residence, garage, carport, swimming pool, patio, storage shed, gazebo, septic tank, sewer connection, solar panels, fence, or paved driveway.</p>  |
| <p><b>What is considered a dead WJT?</b></p>   | <p>At least one of the following conditions must be met for each tree or limb to be considered “dead”:</p> <ol style="list-style-type: none"> <li>1. Has not burned and has no green leaves, no new growth on the main stem, and no basal sprouts.</li> <li>2. Has partially or fully burned at least 18 months prior and otherwise meets the above criteria (Criteria 1).</li> <li>3. Has fallen and is completely detached from its roots or has fallen and its roots are no longer in contact with the soil.</li> </ol> |
| <p><b>Can I replant WJTs somewhere else on my property?</b></p>  | <p>No, you cannot relocate or transplant WJTs without first obtaining a permit from CDFW.</p>  |
| <p><b>Can I trim a WJT?</b></p>  | <p>No, you cannot trim WJTs without first obtaining a permit from CDFW.</p>  |
| <p><b>Can I clean up the area around the WJT?</b></p>  | <p>There cannot be any activity such as grading, brush clearing, construction or other ground disturbance within the WJT buffer radius that may disturb the surrounding seedbanks or root zone.</p> <p>If you are unsure if the activity is allowed, please contact CDFW at <a href="mailto:WJT@wildlife.ca.gov">WJT@wildlife.ca.gov</a>.</p>  |

## Frequently Asked Questions (continued)

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| <b>Can WJTs be removed if affected by wildfire?</b>         | If a Governor’s Executive Order does not establish a separate protocol for fire-affected properties, an HMP permit must be obtained from CDFW.   |
| <b>Where can I locate a desert native plant specialist?</b> | A desert native plant specialist is an arborist certified by the International Society of Arboriculture (ISA), or an individual with at least five years of professional experience with relocation or restoration of native California desert vegetation. Certified arborists can be found on ISA’s <i>Find an Arborist</i> site. |

*This document is intended solely as guidance for development proposal adherence to the provisions of the Western Joshua Tree Conservation Act. This material is for general information only and should not be construed as legal advice or legal opinion. If you have any questions or concerns, please contact CDFW at [WJT@wildlife.ca.gov](mailto:WJT@wildlife.ca.gov).*